

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

Volume II

April 23, 1973 to June 5, 1973

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Wednesday, May 9, 1973

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. Mr. Robert Butler of Jefferson.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate: The following Joint Order: (S. P. 610)

WHEREAS, Rose Marie Bard, charming and talented daughter of Mr. and Mrs. Roland Bard of Fort Kent, is the State of Maine's Junior Miss for 1973; and

WHEREAS, Miss Bard has taken an active part in student council, cheerleading, basketball, Dirigo Girls State, gymnastics and glee club and is an honor student and senior at Fort Kent Community High School; and

WHEREAS, she will represent the State of Maine at the forthcoming National Junior Miss Pageant to be held on May 11, 1973 at Mobile, Alabama; now, therefore, be it

ORDERED, the House concurring, that We, the Members of the One Hundred and Sixth Legislature of the State of Maine extend our warmest regards to this outstanding Junior Miss in recognition of her achievement and offer our very best wishes for her future success and happiness; and be it further

ORDERED, that a duly authenticated copy of this Joint Order be presented to Miss Bard and her proud parents in honor of the occasion.

Came from the Senate read and passed.

In the House, the Joint Order was read and passed in concurrence.

**Reports of Committees
Ought to Pass**

Report of the Committee on Health and Institutional Services on Bill "An Act Appropriating Funds to Facilitate Access to Services Essential for Older People" (S. P. 547) (L. D. 1701) reporting "Ought to pass"

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed.

In the House, the Report was read and accepted in concurrence, the Bill read once and assigned for second reading tomorrow.

Non-Concurrent Matter

Bill "An Act Relating to Examinations for Motor Vehicle Operators' Licenses" (S. P. 602) (L. D. 1893) on which the House accepted the Minority "Ought not to pass" report on May 7.

Came from the Senate where the Majority "Ought to pass" report was accepted and the bill passed to be engrossed with that body insisting and requesting a Committee of Conference.

In the House: On motion of Mr. Cote of Lewiston, the House voted to adhere.

Non-Concurrent Matter

Bill "An Act to Create the Office of Ombudsman" (H. P. 1143) (L. D. 1515) which the House passed to be engrossed on May 7.

Came from the Senate with Report A "Ought not to pass" accepted in non-concurrence.

In the House: On motion of Mr. Ross of Bath, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Relating to Nature of Foreclosure of Tax Lien Mortgages" (H. P. 540) (L. D. 722) which the House passed to be engrossed as Amended by Committee Amendment "A" (H-311) on May 4.

Came from the Senate with the Bill passed to be engrossed as amended by Committee Amendment "A" (H-311) and Senate Amendment "A" (S-107) in non-concurrence.

In the House: The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Relating to Lead Poisoning Control" (H. P. 1446) (L. D. 1866) which the House passed to be engrossed on May 1.

Came from the Senate with the Bill passed to be engrossed as

amended by Senate Amendment "A" (S-111) in non-concurrence.

In the House: On motion of Mr. Finemore of Bridgewater, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Requiring that the National School Lunch Program be Implemented in All Public Schools" (H. P. 1067) (L. D. 1392) which the House passed to be engrossed as Amended by Committee Amendment "A" (H-305) on May 2.

Came from the Senate with the Bill passed to be engrossed as amended by Committee Amendment "A" (H-305) and Senate Amendment "B" (S-106) in non-concurrence.

In the House: On motion of Mr. Tyndale of Kennebunkport, the House voted to recede and concur.

Non-Concurrent Matter

Resolution Proposing an Amendment to the Constitution to Provide for Indian Representative to the Legislature" (H. P. 214) (L. D. 287) which the House recommitted to the Committee on State Government on May 1. The Senate referred the Bill to the Committee on Human Resources on May 2 in non-concurrence. The House insisted on their action on May 3.

Came from the Senate with that body adhering to its former action.

In the House: On motion of Mr. Simpson of Standish, the House voted to recede and concur.

Petitions, Bills and Resolves Requiring Reference

The following Bill, approved by a majority of the Committee on Reference of Bills, was received and referred to the following Committee:

Public Utilities

Bill "An Act to Amend the Charter of Stonington Water Company" (H. P. 1488)

(Presented by Mrs. Greenlaw of Stonington).

(Ordered Printed)

Sent up for concurrence.

Orders

Later Today Assigned

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Cote.

Mr. COTE: Mr. Speaker, I would like to ask if the House is in possession of House Paper 1192, L. D. 1532, Bill "An Act Relating to Determination of Just and Reasonable Electrical and Telephone Utility Rates by Public Utilities Commission."

The SPEAKER: The Chair would answer in the affirmative.

Mr. COTE: Mr. Speaker, having voted on the prevailing side, I move we reconsider our action whereby this bill was indefinitely postponed.

Thereupon, on motion of Mr. Simpson of Standish, tabled pending the motion of Mr. Cote of Lewiston to reconsider and later today assigned.

The SPEAKER: The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, I move we reconsider our action whereby we voted to adhere on item 2, L. D. 1893. I would like to explain what I have in mind.

I would like to reconsider this action and then move to insist and join in a Committee of Conference. I think there are some areas that we should consider in license examinations and possibly a Committee of Conference might be able to iron out some so that at some stage in the game we do have to have a re-examination, particularly in the area of eye examinations. I feel that many people possibly are driving who haven't had eye examinations for many years and something should be done in this area.

I would move that we reconsider our action whereby we voted to adhere.

The SPEAKER: The gentleman from East Millinocket, Mr. Birt, moves the House reconsider its action of earlier in the day whereby the House voted to adhere on Bill "An Act Relating to Examinations for Motor Vehicle Operators' Licenses," Senate Paper 602, L. D. 1893.

Mr. Cote of Lewiston requested a vote on the motion.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I think this morning we would be doing a great injustice to all drivers at the age of 50 or over if we passed this bill or we voted to reconsider at this time.

I have studied this bill very much and I have presented it to quite a few people, not three or four hundred, but a few, and I find that practically everyone was against it. In fact, I don't find any who are for it. So I hope this morning we do not reconsider. We have adhered here and I think that was the feeling of the House originally and I hope we don't go along with reconsideration.

The SPEAKER: The Chair recognizes the gentlewoman from Madison, Mrs. Berry.

Mrs. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I really don't care what you do with this bill, but I am wondering if everybody knows that this is a new draft. The first draft called for an examination, I believe it was every four years. This one asks for an examination when you are renewing your license at the age of 50. If any of you that are 50 or over are worried about examinations, there is a grandfather clause to it so that you wouldn't have to take it.

I think that perhaps it is a good idea. Some of us haven't had an examination of our eyes or anything else for driving since we obtained our license. I just thought I would throw this out so that some of you, if you didn't know this, it is not an examination every four years as was in the original bill. Perhaps you will reconsider.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. JAlbert.

Mr. JALBERT: Mr. Speaker and Members of the House: I am not taking very sharp issue with the gentleman from East Millinocket, Mr. Birt, but I might suggest this, that as far as I am concerned, it doesn't mean too much to me, I am unable to drive anyway, but

ever since I have had my first eye examination for my license, my license has said on it "restricted to glasses." So the argument as presented by the gentleman from East Millinocket, Mr. Birt, wouldn't bear too much fruit. I would suggest that we stay with the motion of the gentleman from Lewiston, Mr. Cote.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Cote.

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I feel this is just harassment to the individual who is applying for his license after the age of 50. Not only that, most of the people in this state are working people. They lose a lot of time; they have to take half a day or a day off from their work, losing their wages and so forth and so on, so I feel that this examination after the age of 50 is not in the best interest of the people of this state.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Binnette.

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: After reading this new re-draft, I believe it says here that after the age of 50 every time you apply for a license, every two years, you will have to go through all this procedure of an eye examination and a driver's test and everything along with it. I think that it is trying to crowd too much on some people. I don't think at the age of 50 that you are wrong in driving a car. I think the way they have it now is all right. So I believe that we should not reconsider this action.

The SPEAKER: The Chair recognizes the gentleman from Camden, Mr. Hoffses.

Mr. HOFFSES: Mr. Speaker, Ladies and Gentlemen of the House: This is basically the same bill that was introduced two years ago of which I was one of the parties involved in it. Eventually the matter was properly disposed of. In other words, it was defeated.

At that time, that bill referred to eye examinations for the elderly, and they classified the elderly as over 50. Now, ladies and gen-

tlement, I ask you here this morning, are you in that category of the elderly—over 50?

Two years ago I was accused of being against highway safety, and those who are closely associated with the Motor Vehicle Division really chastised me to no end. I am not against highway safety, not by any stretch of the imagination, but we are getting the cart before the horse.

Now I ask you in good conscience to look at the accident record that we have in the State of Maine, and are these elderly, over 50, the major offenders and the accident causes on our highway? Are we, the elderly—and I consider myself the elderly because I am over 50—I think I have a pretty good voting record. I can pick up the paper most any day and it is very few of us elderly, over 50, that are involved in the motor accidents on the highway today. So, I say to you, we are getting the cart before the horse in this particular category.

Now, if we are interested in highway safety, let's go after those who are basically causing the accidents and being responsible for them. I hope that you do not reconsider this matter this morning.

The SPEAKER: The Chair recognizes the gentleman from Oakland, Mr. Brawn.

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: One lady spoke here this morning about the grandfather clause. Gentlemen, my grandfather has been dead for years. And due to the fact that my birthday comes during the ice and snow, and I know what happens to the people that are taking examinations if their birthday comes during that period, too, they will not permit them to take it any other time, even though they apply two and three months before. Some of these people put up their cars during the whole winter, but they will not give them the examination later, they must go out on the ice and snow and take this test.

I checked with the insurance companies and I discovered an interesting fact, that the lowest accident rate is between the age of

50 and 64. Now, myself, I have to wear glasses to read. I cannot see with glasses when I am driving. I cannot wear glasses when I am driving. Now I have to go to work every year and take this test. This is a nuisance. I would have to take it at the time of my birthday when the ice and snow is. And now we don't have enough people to give these examinations. I think this is another bureaucracy that we are setting up for more people and I hope you don't reconsider.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jacques.

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I signed the minority "ought not to pass" report on this bill. And last Friday I asked you ladies and gentlemen to table this bill, to go home and look it over. I imagine that the majority of you did. I don't see where there is a cost to this bill at all. We didn't have anybody outside the department head that works for this bill that did appear in front of the committee being in favor of this legislation.

I went back home and asked many people what they felt about this driver's test at 50, and no one could tell me that they were in favor of it. I don't see where this is any safety factor. Like was said a few minutes ago, when you wear a pair of glasses you have to have the glasses. I certainly don't wear them because I don't need to.

So I hope, Mr. Speaker and members of the House, that you people turn down this legislation.

The SPEAKER: The Chair recognizes the gentleman from Bristol, Mr. Lewis.

Mr. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I am sure the bill that my good friend, Representative Hoffses referred to was one that I introduced two years ago. I put it in as a result of eye tests at our local Lions Club conducted in two towns. And at that time it was found that there were many people who had never had an eye test and were still driving.

Now I believe in Colorado, where my daughter lives, one is required to take an eye test every time the new license is renewed, yearly. I am sure that this bill isn't going

to get anywhere this morning, but I thought I would set the record straight, because I felt at the time I introduced the bill there was a misnomer on it and it should never have been entitled age 50, that was absolutely wrong in my opinion.

The SPEAKER: The pending question is on the motion of the gentleman from East Millinocket, Mr. Birt, that the House reconsider its action of earlier in the day whereby it voted to adhere on Bill "An Act Relating to Examinations for Motor Vehicle Operators' Licenses," Senate Paper 602, L. D. 1893. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken, 22 having voted in the affirmative and 77 having voted in the negative, the motion did not prevail.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, could we reconsider item 2 on page 2, this is to create the office of ombudsman, on which we concurred with the Senate?

The SPEAKER: The gentleman from Yarmouth, Mr. Jackson, moves that the House reconsider its action of earlier in the day on Bill "An Act to Create the Office of Ombudsman," House Paper 1143, L. D. 1515, whereby it receded and concurred with the Senate.

Mr. Finemore requested a vote on the reconsideration motion.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker and Members of the House: I hope that we do not reconsider our action on this ombudsman bill. The ombudsman theory might be good, but it is absolutely an impossible job for any one man. So I can envisage quite a large staff. The things that he would be required to do are already being done by us. That is part of our job to answer or try to answer or find out the questions that our individual constituents have. So I think this is really an impossible type bill, and I hope we do not reconsider.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: The bill as it is now set up would institute the Office of Ombudsman, it would also give him an assistant and a secretary.

I agree with the gentleman from Bath that he would be a very busy man, but I think this in itself proves the need for the office. I would also point out that it has often been stated that the legislature should perform this function. I personally feel that the legislature's basic function is the creation of laws and the research that goes into the creation of laws and that many of the jobs that we are given, as we were talking about yesterday, researching the Secretary of State on motor vehicle licensing, things like this we are not equipped to do and do not have the time to do properly. And I think this also comes up particularly when the legislature is not in session.

This bill has passed through with a minimum of debate, and I would personally like to see it debated and I would like to have people made aware of it, and I think there is the need. I think perhaps this is the time to discuss it.

The SPEAKER: The Chair recognizes the gentleman from Norway, Mr. Henley.

Mr. HENLEY: Mr. Speaker, Ladies and Gentlemen of the House: I did not debate this before, although I think many of you know my stand on it. This comes up practically every session. I never could quite see why there seems to be an obsession by a few legislators to feel that we must have some one person that can get all the answers.

This ombudsman idea originated in Europe and Scandinavia. As I have stated before in previous sessions in objecting to this situation, it originated because they have a different type of government than we do. We are elected as representatives of our people. I beg to differ with my young friend Mr. Jackson, we are rep-

representatives of our constituency. It is our job, other than to make laws, to represent them, to take to heart their problems and to bring them up here. We are here a long time. We certainly should be more familiar with the departments than some one person or a half a dozen persons to try to get the answers for a million people in the State of Maine. To me the idea is ridiculous.

I said I did not debate it before because I thought it was debated pretty well. I was quite surprised when it passed through the House, and I was disappointed. But I think now that the other body has taken the action that it has and it is back to us, we had better just let the bill lie where it is and go on with our job of representing our constituency without lying down on the job and hiring someone else and setting up another department to do the job that we ourselves are elected to do. So I hope that you do not reconsider.

The SPEAKER: The Chair recognizes the gentleman from Dixfield, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: I cannot understand the gentleman from Norway, Mr. Henley, saying he was surprised when this passed the House, because it passed in the 105th very easily. It was beaten in the Senate at that time, mostly by one Senator from Lewiston. I believe in this bill, of course, this was the first bill I put in the 105th Legislature.

At the present time the Maine Department of Commerce and Industry has an ombudsman for businessmen. And the poor people, the Division of Economic Opportunity, have an ombudsman for that section. The people in the middle have no one, excepting us. I will admit that we are supposed to be, but most of us are not as expert as some of the people here in doing these things. We don't know just where to go. If we had a man of this sort, and we could pass some of these things. on to him, I believe it would be a great help to the rank and file legislator.

The SPEAKER: The Chair recognizes the gentleman from Durham, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: I rise to make one brief point supporting the motion to reconsider. There is nothing in the ombudsman concept that says we will not listen to our constituents if this bill were to be passed. But there is a difference between listening to our constituents and spending hours battling the bureaucratic means that surround us. I think it is a good concept and I think we should reconsider.

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Mills.

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I don't think there are too many in the House that live where I do right next to the Canadian line. Several years ago they started this ombudsman over in Canada on a national level, then they brought it down to the provincial level, and recently on TV, which is St. John, which we get in Eastport — can't get much of anything else — they had quite an argument one Sunday afternoon in regard to the same proposition over there, on what the cost has been multiplying into. And let me tell, the figures that they have got over there now to maintain these people is fantastic.

The SPEAKER: The Chair recognizes the gentlewoman from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker and Members of the House: I am opposed to this bill. I think that the legislators need the experience of the contact with the departments. It is one way we have to find out about their efficiency or their inefficiency. And I think that we represent our people pretty well. We certainly need the contact between the people and the departments.

The SPEAKER: The Chair recognizes the gentleman from Casco, Mr. Hancock.

Mr. HANCOCK: Mr. Speaker, Ladies and Gentlemen of the House: I don't think any of us

have any doubts as to where this bill is going to wind up this session — it is not going to be passed. But I would like to go on record, because I have discussed this quite a bit back home. I would like to go on record as supporting the concept of the ombudsman. I can't help but agree with my good friends from Norway, Mr. Henley, and from Orrington, Mrs. Baker, that we have a job to perform down here, too. This would be in supplement to it and would relieve us to some extent of some of the burdens that this office imposes on us. I also agree that we should be in touch with our constituents and we should be doing favors for them.

But I have found out that many times — this sounds odd but it does happen — that people at home in our own communities sometimes don't even stop to think of us as a vehicle through which they could move to gather in some information or to get some little favor done. And if there was a permanent office set up, and when this does come to be, it is not going to be this time around, I am quite aware of that, we are going to have to face the cost.

I agree here, the cost is going to be quite a bit. But the total concept is a good concept and I hope that some time some future legislature will give it favorable approval, because I think that it will do the one thing that we need so much, and that is to put the people of the State of Maine in more direct communication with their government.

The SPEAKER: The Chair recognizes the gentleman from Gardiner, Mr. Whitzell.

Mr. WHITZELL: Mr. Speaker and Members of the House: I would just like to make one point before we go on with the vote. That is, I look at the ombudsman as being sort of a librarian. Now, there aren't many of us who can run to the library system and pick out the area, the category and through the Dewey Decimal System pick out the exact book that we need. This man would be nothing more than that sort of a person, a resource person, someone who could tell you where to get

it and how to get the information, how to get the services of government. He would be a librarian of sorts.

I would ask for a roll call.

The SPEAKER: A roll call has been requested, for the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Yarmouth, Mr. Jackson, that the House reconsider its action whereby the House voted to recede and concur with the Senate on L. D. 1515. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEAS — Birt, Boudreau, Clark, Crommett, Deshaies, Dow, Dunleavy, Emery, D. F.; Farnham, Garsoe, Good, Goodwin, H.; Greenlaw, Hancock, Herrick, Hobbins, Huber, Jackson, Jacques, Kelley, R. P.; Knight, Lynch, McKernan, Morton, Mulkern, Murray, Najarian, O'Brien, Perkins, Peterson, Pontbriand, Rolde, Rollins, Shute, Simpson, L. E.; Smith, D. M.; Smith, S.; Tanguay, Tierney, Trask, White, Whitzell, Willard, Wood.

NAYS — Albert, Baker, Berry, G. W.; Berry, P. P.; Berube, Binnette, Bither, Bragdon, Brown, Brown, Bustin, Cameron, Carey, Carter, Chick, Chonko, Churchill, Conley, Cote, Cottrell, Cressey, Curran, Curtis, T. S., Jr.; Dam, Davis, Donaghy, Drigotas, Dunn, Dyar, Evans, Farrington, Faucher, Fecteau, Ferris, Finemore, Fraser, Gauthier, Haskell, Henley, Hoffses, Hunter, Immonen, Jalbert, Kauffman, Kelley, Keyte, Kilroy, LaCharite, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Miaddox, Mahany, Martin, Maxwell, McCormick, McHenry, McMahon, McNally, Merrill, Mills, Morin, L.; Morin, V.; Murchison, Palmer,

Parks, Pratt, Ricker, Ross, Shaw, Silverman, Sproul, Stillings, Strout, Talbot, Theriault, Tyndale, Walker, Webber, Wheeler.

ABSENT — Ault, Briggs, Bunker, Carrier, Connolly, Cooney, Dudley, Farley, Flynn, Gahagan, Genest, Goodwin, K.; Hamblen, Kelleher, LaPointe, McTeague, Norris, Santoro, Sheltra, Soulas, Susi, Trumbull.

Yes, 44; No, 83; Absent, 22.

The **SPEAKER**: Forty-four having voted in the affirmative and eighty-three in the negative, with twenty-two being absent, the motion to reconsider does not prevail.

House Reports of Committees Ought Not to Pass

Mrs. Lewis from the Committee on Education on Bill "An Act Relating to Registration of Privately Owned Nursery Schools and Kindergartens" (H. P. 1255) (L. D. 1580) reporting "Ought not to pass"

Same gentleman from same Committee reporting same on Bill "An Act to Continue Vocational Rehabilitation of Handicapped Youth in Schools" (H. P. 1197) (L. D. 1528)

Same gentleman from same Committee reporting same on Bill "An Act Creating a Bill of Rights for Students of Junior and Senior High Schools" (H. P. 1372) (L. D. 1829)

Mr. Talbot from the Committee on Election Laws reporting same on Bill "An Act Relating to Voting Lists" (H. P. 521) (L. D. 686)

Mr. Ross from same Committee reporting same on Bill "An Act Relating to Failure to File a Campaign Report" (H. P. 1058) (L. D. 1382)

Mrs. Kelley from same Committee reporting same on Bill "An Act Relating to Elimination of Waiting Periods for Registration and Enrollment of Voters who are in the Armed Services or Students" (H. P. 1165) (L. D. 1500)

Mr. Emery from the Committee on Legal Affairs reporting same on Bill "An Act Relating to the Terms of Zoning Ordinances Adopted under Home Rule" (H. P. 942) (L. D. 1239)

Mr. Shute from the same Committee reporting same on Bill

"An Act Amending the Regulatory Power Relating to Plumbing" (H. P. 1260) (L. D. 1640)

In accordance with Joint Rule 17-A, were placed in the legislative files and sent to the Senate.

Leave to Withdraw

Mr. Curran from the Committee on Natural Resources on Bill "An Act to Define 'Navigable' for Purposes of Mandatory Zoning" (H. P. 805) (L. D. 1072) reporting Leave to withdraw.

Mr. Trask from the Committee on Business Legislation reporting same on Bill "An Act Relating to Automobile Liability Insurance" (H. P. 1405) (L. D. 1772)

Mr. Emery from the Committee on Legal Affairs reporting same on Bill "An Act Providing for the Hobby Protection Act" (H. P. 1245) (L. D. 1616)

Reports were read and accepted and sent up for concurrence.

Covered by Other Legislation

Mr. Ross from the Committee on Election Laws on Bill "An Act Relating to Disqualification of Ballots" (H. P. 35) (L. D. 42) reporting Leave to Withdraw as covered by other legislation.

Mr. Hancock from same Committee reporting same on Bill "An Act to Clarify the Absentee Voting Law" (H. P. 3) (L. D. 3)

Mr. Kauffman from same Committee reporting same on Bill "An Act to Provide for Uniform Absentee Ballot Deadline" (H. P. 444) (L. D. 593)

Mrs. Kelley from same Committee reporting same on Bill "An Act Relating to Adding Zip Code Numbers to Voting Lists" (H. P. 172) (L. D. 214)

Mr. Willard from same Committee reporting same on Bill "An Act Relating to Persons Ineligible to Serve as Election Officials" (H. P. 411) (L. D. 560)

Mr. Rollins from the Committee on Labor reporting same on Bill "An Act Increasing the Minimum Wage" (H. P. 1368) (L. D. 1825)

Reports were read and accepted and sent up for concurrence.

The **SPEAKER**: Will the Sergeant-at-Arms kindly escort the

gentleman from Brooks, Mr. Wood, to the rostrum.

Thereupon, Mr. Wood assumed the Chair as Speaker pro tem and Speaker Hewes retired from the Hall.

Divided Report

Majority Report of the Committee on Education on Bill "An Act Relating to Vivisection in Biology Classes at the Secondary Level" (H. P. 742) (L. D. 955) reporting "Ought not to pass"

Report was signed by the following members:

Messrs. KATZ of Kennebec
 MINKOWSKY
 of Androscoggin
 OLFENE of Androscoggin
 — of the Senate.
 Messrs. FERRIS of Waterville
 TYNDALE
 of Kennebunkport
 BITHER of Houlton
 LaCHARITE of Brunswick
 Mrs. LEWIS of Auburn
 — of the House.

Minority Report of the same Committee on same Bill reporting "Ought to pass" in New Draft (H. P. 1485) (L. D. 1912)

Report was signed by the following members:

Messrs. LYNCH
 of Livermore Falls
 LAWRY of Fairfield
 LeBLANC of Van Buren
 AULT of Wayne
 MURRAY of Bangor
 — of the House.

Reports were read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker and Members of the House: I move that we accept the Majority "Ought not to pass" Report and I will speak to my motion.

The SPEAKER pro tem: The gentleman from Kennebunkport, Mr. Tyndale, moves the House accept the Majority "Ought not to pass" Report.

The gentleman may proceed.

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: This bill came out in original form L. D. 955, "An Act Relating to Vivisection in Biology Classes at the Secondary Level." At that time and beginning, I don't

think I have received more mail on any other issue since I have been in the legislature. People were roused throughout the state. I will not read the many letters that I have received on this, but I will read one which is signed by Rita M. Tardy, registered nurse from Bangor, Maine.

"I am writing you concerning H. P. 742 which will strike down a law prohibiting vivisection in the schools. I entreat you, do not vote for H. P. 742.

"In schools across the country children are feeding alcohol to animals, testing poisons, attempting surgical transplants, giving electric shocks and doing dozens of other heinous science projects involving live animals. These actions tend to promote an indifference to violence and suffering. There is already too much callousness and irreverence for life in the world.

"These experiments are unnecessary and everything that can be done to these creatures has already been done over and over again. If a student really wants to know something, all he needs is a bit of research, reading. There is already too much pain and suffering inflicted on these, the most defenseless of all God's creatures. Please, won't you vote against H. P. 742. Thank you very much." Signed, Rita M. Tardy, Spruce Street, Bangor, Maine.

After receiving numerous mail — and I wasn't the only one, I guess Senator Katz received three times as much as I have, because it was stacked up almost a foot off his desk, I am sure the sponsor also received a great many letters — they immediately got together.

Now the basic point of this bill was to open up vivisection in secondary schools. So they decided to get together. Then they, with the help of the biologists and a few other people, put in a new draft, which is a patent copy of several that exist throughout this nation and other places, in Canada, et cetera.

The new draft read, "No person in any of the schools of the state, public or private, in grades kindergarten to twelve, shall perform any experiment upon any living vertebrate. No person shall exhibit to

any pupil in such schools a living vertebrate which has been experimented upon."

I thought I was fairly well educated in the sense of the word, as many things that I learned actually through experience, rather your knowledge never gets the best of your experience. So I went to the books and researched this out, this vertebrate, and I have the material here in the Encyclopedia Britannica, and I won't attempt to have you read all this because the invertebrate is simply an animal without a backbone, a term you have used in other directions, too.

Then comes what is left. It is the invertebrate. Now sometimes this is called vertebrate or vertebrata, whichever way you would have it. A vertebrate is 95 percent of the animal kingdom. This you are left with, and there are 70,000 species. So the kids have a lot to work on with their little scalpel that they are going to be given now.

I don't intend to go into the scientific nature of this bill, but it has accomplished one point, it confused the humane people in the state. Several of them called me up and said, "Well, invertebrate, that takes out the animals and puts in the worms and everything else." I don't know why 70,000 creatures — and I am not going to go into it. In this field, I don't think the proponents of the bill do that.

Then they came up with a little nugget which was the second paragraph. "The Department of Educational and Cultural Services shall adopt and have posted in all secondary school biology laboratories 'guiding principles for use in biology education.' The department shall cooperate with the state science teachers and the State Biologists Association in formulating these guiding principles." So I thought I had better get down and have a talk with the Commissioner of Education. We sat across the conference table and we first went into some of the technical points of the bill, like the vertebrata and the invertebrate. And I said it would be hard enough teaching the kids to spell these words, let alone teach them what it involved.

The commissioner said to me quite frankly — I asked him several questions about vertebrate and invertebrate and we had somewhat of a scientific discussion with not many answers to go on. Then I said, "How would you handle this from your department?" He said, "Well, now, let me see, this is a new subject, and in a sense of the word, I would assign so and so and so and so to handle it." Well now, if you take so and so and so and so out of the department to go on to this deal, you are going to have to hire another so and so and so and so to continue with the work that they were already doing. So this was another expansion of the department; and quite frankly, I am getting a little bit sick about the expansion of this department.

We discussed it on previous days on good legislation, what I thought was good legislation, legislation that we needed. This I went along with. But now it comes up with one which in order to get through their point in a hurried fashion, they are resorting to any means they can. So I went to Mrs. Parks and my proponent went to Mrs. Parks and between the two of us, we confused her thoroughly. So finally, I discussed with her the other night at 7:30 and I said, "Charlotte, what do you want to do about this bill?" She said, "The vertebrates and invertebrates—", I said, "Let's not go into that." I have had vertebrates and invertebrates up to my neck.

Then I said, "Why the hurry on this bill?" So I quite frankly said to the commissioner in another discussion, "Do you really know how you are going to proceed with this?" He said, "Well to be frank with you Monty—" and I quote him, "I would rather study it awhile." I left it there with the commissioner and didn't go into anything further after that.

The letters I have received pertain to one basic principle and this basic principle, I would have you bear in mind. That point is the expansion of the biological experimentations on animals and there isn't a soul that can tell me what "experiment" means; because it is an experiment to

breathe smoke into a hamster until he cannot breathe anymore or would you say that this is not vivisection?

So the whole thing rests in a lot of terms that no one seems to understand but confusion.

I think that this bill is premature. I do not think it is time for us to approach this subject. I think that we have plenty of time and there is legislation in the federal Congress now which states specifically that any public school receiving federal funds that involves experimentation upon animals shall be deprived of those federal funds. Here and again, we go into some terms which, I guess, the Supreme Court will finally have to settle. It is an expensive venture and a venture — now the present law, which I might quote to you very briefly, states that there shall be no experimentation on any animals, period. It has been an adequate law over the years, but then again, some of our friends and proponents in particular say, well, this needs to be opened up. Why at this time? Why should we rush into a subject which is both heinous to most people and tell them, we have a new document now that parallels the story of Red Riding Hood. As far as I can see, it is only a wolf in new clothing.

The present law says vivisection is prohibited in public schools. "No person in any of the schools of the state supported wholly or in part by public money shall practice vivisection or perform any experiment upon a living animal or exhibit to any pupil in said school an animal which has been vivisectioned or experimented upon. Whoever willfully violates any of the provisions of this section shall be punished by a fine of not less than \$10 or more than \$25."

Now, the point was brought up, that they have been doing it. Anybody can violate the law if they so wish. But nevertheless, it has been adequate up to this point. I have researched it a little bit and I cannot find any secondary school, unless they are doing it on the side or at home — I know there have been experiments performed on animals down in the

cellars by children, but this was not in accordance with law.

Listen in brief to the law in Massachusetts and where vivisection is much discussed. I certainly have discussed it. In 11 years as a director of a hospital, I cannot find any medical records which can prove that any scientific solution to our diseases have been caused by the result of vivisection. The study of muscle tissue is one of broad expansion; and furthermore, the makeup of the muscle context of a dog does not compare in any way with a human being. Another thing is this, he does not react in the same way to drugs as a human being. So where the final practice becomes is on the individual, and you know as well as I do, this is the foundation of all medical science, the actual practice by the physician.

Massachusetts states, "No person shall in the presence of a pupil in any public school practice vivisection or exhibit a vivisectioned animal. Dissection of dead animals or any portion thereof in such schools shall be confined to the classroom and to the presence of pupils engaged in the study to be promoted thereby and shall in no case be for the purpose of exhibition. Violation of this section shall be punished by a fine of not less than \$10 nor more than \$50." This bill has been adequate down there, it has done the job and it will do the job here. There is no need of a violent change to our laws at the present time.

I certainly would agree in time with the Department of Education if they want to add some particular feature to the new document, I certainly would be the first one to sit down. I have always felt that I have been a reasonable guy. But here you are embarking on a very dangerous course and I urge you to support the majority "ought not to pass" until we have further research of particulars on this bill.

The SPEAKER pro tem: The Chair recognizes the gentleman from Lewiston, Mr. Jalburt.

Mr. JALBERT: Mr. Speaker and Ladies and Gentlemen of the House: I am delighted this morn-

ing to hear the gentleman from Kennebunkport, Mr. Tyndale, say that he is getting a little sick and tired of the expenditures of this department. I hope he will remember that when the 4th of July rolls around.

The SPEAKER pro tem: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker and Ladies and Gentlemen of the House: I would like to apologize first for involving you all in what I think is a law that ought to be changed. I have limited my remarks in this session to very few and very short.

Now, I went into this knowingly and willingly. I exposed myself to a lot of personal criticism because I hoped to accomplish something and the accomplishment is not to open this area up to indiscriminate experimentation on animals.

First of all, let me go back and I will try to do this as quickly as I can. This bill was enacted in 1919. That is a long time ago. The gentleman just said the department considers this a new area and they would like to study it. The bill was introduced in the closing days of the 1919 session. It went in as a bill that—I did not get this out of the law library. Miss Hary and I went through the books down there. We could not find it in the journal, any L.D.'s. We searched and I finally had to go to the State Archives. I found the original bill which was on prohibiting experimentation on a living dog. It came out of the committee the present law forbidding vivisection and experimentation on living animals. It was passed through the 1919 session under suspension of the rules and enacted into law in less time than we normally debate the second reading.

Now, what is wrong with the present law? It says, "schools publicly funded." Now in 1919, there were very few private schools that had any public funding. I do not know what the intent of the legislature was at that time. But apparently, it was enacted to exempt private educational institutions. That is largely academic now be-

cause most of them have public funds either in tuition grants or grants of one sort or another.

I was intrigued by the wording. It said, "any public school." It didn't specify elementary, secondary. It didn't specify that post-secondary schools were exempt. The Legal Council of the University of Maine trustees is concerned with the present law.

Now, we will not shut down the experimental stations if they are challenged. I am quite sure that will be taken care of, but think of the embarrassment to the State of Maine to have experiments carried on at the University of Maine and now at South Portland V.T.I. in violation of the state statute. I think the state would look rather silly.

Another point that I felt ought to be introduced is an enforcing agency. There is a penalty for violation of the law and how many times has it been violated since 1919? I think you would be surprised if we could document all the cases. And I have a stack of letters about two feet high. In a few of them the opening paragraph characterizes my person unfavorably. The second paragraph says, do not change the existing law. The third paragraph goes on to say, in such and such a high school this has been done and this is being done. I think it is unfortunate to have a law on the statutes of the State of Maine that are either willfully or through ignorance violated. There ought to be an enforcing agency. I am disturbed that the Department of Education since 1919 has not prevented by prosecution some of the experimentation that has gone on in the high schools of this state. Those are primarily my objections to a bad law.

I am not opening us up to indiscriminate vivisection or experimentation. If you will look at the draft that I proposed, 955, it said — and the first two paragraphs that the gentleman from Kennebunkport read, "no person shall vivisect or experiment upon a living animal. No person shall exhibit an animal that has been experimented upon." remain unchanged under draft 955. But an-

other paragraph is added, "The superintendent of the schools of any administrative district may file an application for permission to conduct a biology project involving vivisection with the Department of Agriculture, Animal Industry Division." And it goes on, "The application must set forth the purpose, the scope of the project and must provide assurances that the project will be conducted under supervision of a teacher fully certified to teach biology. The Animal Industry Division may grant a permit to a school system for conducting such a biology project. Before granting the permit, the department must inspect the facilities at the school and satisfy itself that conditions are proper. When a permit is granted for a specific project, it must be posted conspicuously in the principal's office and shall be valid for that specific project only. The facility in which the project is being conducted must be open for inspection by officials of the department and by the Humane Society officers during regular school hours."

Now what was the purpose of that? What was the purpose behind this draft? It was to introduce an enforcing agency. The draft that would involve an application for permission, the granting of the permission, the necessary inspection, the description of the project, are so cumbersome that it is almost prohibitive against experimentation upon animals in the State of Maine.

I introduced Animal Industry Division because I was not sure that the Animal Welfare Division would get off the Appropriations Table. I would prefer to see Animal Welfare Division. That is the bill sponsored by the people who are interested in humane treatment of animals. They go hand in hand. A bill proposed by the people interested in humane treatment would then have control over all the experimentation in the State of Maine with enforcing powers. I do not see anything objectionable to that.

The draft that you have on your table today says, "No person at any school in the state, public or private, in grades kindergarten to

twelve, shall perform any experiment upon a living vertebrate.", changing the word "animal" to "vertebrate." "No person shall exhibit to any pupil in such schools any living vertebrate which has been experimented upon.", changing again the word animal to vertebrate.

Now this has been accepted in many areas. I think to develop an understanding of life, you have to have some practical experimentation and application of some forms of life. I am opposed to mammals and I am opposed to birds, I make no exception for eggs, because how can you create a thorough appreciation of life, especially life in the womb if you are allowed to experiment upon life inside an egg? And I would make no exception for fish, no exception for frogs or turtles. These are the animals that people are most concerned with.

Now the second portion of it, as the gentleman from Kennebunkport said, it directs the department to adopt and post in all secondary biology laboratories guiding principles. That is long overdue in the State of Maine. There is a thorough misunderstanding of the law; there is complete ignorance of the law in many areas. I think it is the obligation of the Department of State to see that the teachers of science in our high schools know what the law is and that the students studying these courses know what the law is.

I am opposed to letting the present law stand on the books because I think it is an invitation to further experimentation upon animals and I don't believe it will ever be enforced.

I am amazed at the people who have written to me describing experiments in their high schools. The people who are so concerned for the humane treatment of animals have not pressured their school administration, their school governing boards and their school science teachers to stop this practice.

With that explanation, I hope I can redeem some of the character assassination that has been attributed to me. It is a bad law;

I don't like it. I have tried to introduce an enforcing agency and I trust your judgment.

Mr. Lynch of Livermore Falls requested a vote.

The SPEAKER pro tem: The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker, Members of the House: I think the debate has been a little thorough on this. I just want to add one remark. The Department of Education cannot tell a private school what to do, number one.

Number two, I still maintain that the law has been adequate over the years, the violations have been at a minimum, if any, and I have never heard of any. I ask that you support me and that the vote be taken by the yeas and the nays.

The SPEAKER pro tem: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call a roll call was ordered.

The SPEAKER pro tem: The pending question is on the motion of the gentleman from Kennebunkport, Mr. Tyndale, that the House accept the Majority "Ought not to pass" Report on Bill "An Act Relating to Vivisection in Biology Classes at the Secondary Level," House Paper 742, L. D. 955. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Baker, Berry, G. W.; Berry, P. P.; Berube, Birt, Bither, Brawn, Brown, Cameron, Carter, Chick, Chonko, Churchill, Clark, Connolly, Cote, Cottrell, Cressey, Crommett, Curtis, T. S., Jr.; Dam, Davis, Donaghy, Drigotas, Dudley, Dunleavy, Dunn, Dyar, Emery, D. F.; Evans, Farley, Farnham, Farrington, Faucher, Ferris, Finemore, Garsoe, Good, Goodwin, H.; Goodwin, K.; Haskell, Herrick, Hobbins, Hoffses, Huber, Hunter, Immonen, Jackson, Jacques, Kauffman, Kelley, Keyte, Kilroy,

Knight, LaCharite, LaPointe, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Maddox, Maxwell, McCormick, McHenry, McKernan, McMahon, McNally, McTeague, Merrill, Morin, L.; Morin, V.; Mulkern, Murchison, Norris, Palmer, Perkins, Peterson, Pontbriand, Pratt, Ricker, Rolde, Rollins, Ross, Shute, Silverman, Simpson, L. E.; Sproul, Strout, Susi, Talbot, Theriault, Tierney, Trask, Tyndale, Walker, Webber, White, Willard.

NAY — Albert, Binnette, Boudreau, Bragdon, Briggs, Bustin, Carey, Cooney, Curran, Deshaies, Dow, Fecteau, Fraser, Gauthier, Genest, Greenlaw, Hancock, Jalbert, Kelleher, Lawry, LeBlanc, Lynch, Martin, Morton, Murray, Najarian, Shaw, Smith, D. M.; Smith, S.; Stillings, Tanguay, Wheeler, Whitzell.

ABSENT — Ault, Bunker, Carrier, Conley, Flynn, Gahagan, Hamblen, Henley, Kelley, R. P.; Mahany, Mills, O'Brien, Parks, Santoro, Sheltra, Soulas, Trumbull, Webber, Wood, M. E.

Yes, 97; No, 33; Absent, 19.

The SPEAKER pro tem; ninety-seven having voted in the affirmative and thirty-three in the negative, with nineteen being absent, the motion does prevail.

Sent up for concurrence.

Order Out of Order

Mr. LeBlanc of Van Buren presented the following Order and moved its passage:

ORDERED, that Jean Corriveau, Debbie Ruthford, Janice Voisine, Gary Levesque, Marcel Laplante and Philip Lebel of Van Buren be appointed Honorary Pages for today.

The Order was received out of order by unanimous consent, read and passed.

At this point, Speaker Hewes returned to the rostrum.

The SPEAKER: The Chair thanks the gentleman and commends him for an excellent job.

Thereupon, Mr. Wood returned to his seat on the floor, amid the applause of the House, and Speaker Hewes resumed the Chair.

Divided Report

Majority Report of the Committee on Business Legislation on

Bill "An Act Regulating Bank Branching" (H. P. 861) (L. D. 1146) reporting "Ought not to pass"

Report was signed by the following members:

Messrs. MARCOTTE of York
COX of Penobscot
KATZ of Kennebec
— of the Senate.

Messrs. MADDOX of Vinalhaven
TRASK of Milo
DONAGHY of Lubec
JACKSON of Yarmouth
HAMBLEN of Gorham
O'BRIEN of Portland
DESHAIES of Westbrook
— of the House.

Minority Report of the same Committee on same Bill reporting "Ought to pass"

Report was signed by the following members:

Mr. TIERNEY of Durham
Mrs. CLARK of Freeport
BOUDREAU of Portland
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Trask.

Mr. TRASK: Mr. Speaker, I move the acceptance of the Majority "Ought not to pass" Report and would like to speak to my motion.

The SPEAKER: The gentleman from Milo, Mr. Trask, moves the acceptance of the Majority "Ought not to pass" Report.

The gentleman may proceed.

Mr. TRASK: Mr. Speaker and Ladies and Gentlemen of the House: Never have I seen a better or more precise presentation of a bill before a legislative committee. The sponsor and proponents were eloquent and well prepared and presented a very convincing case. However, the majority of the committee felt that no action should be taken on this legislation until such time as the Governor's Committee, which is studying and recodifying the banking laws have a chance to report their findings and hopefully come up with some solution to the subject which this legislation covers.

Mr. Speaker, I urge acceptance of the Majority "ought not to pass" report.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Boudreau.

Mrs. BOUDREAU: Mr. Speaker and Members of the House: As the chairman of the Business Legislation Committee has just said, we have heard several bank bills this session and we really don't know where we are at or where we are going. The Spanogle Committee is studying this matter. Hopefully the report will be ready for the 107th at least. It might conclude no limitations are called for or it might decide on the concentration ratio of 20, 30 or even 50 percent.

Enactment of 1146 would effect only a temporary moratorium on expansion and prevent an unhealthy rash of mergers in anticipation of the results of that report. Therefore, I hope you do not go along with the "ought to pass" report so that we could enact the "ought not to pass" report.

The SPEAKER: The Chair would inform the gentlewoman that the pending question is on the motion of the gentleman from Milo, Mr. Trask, to accept the Majority "Ought not to pass" Report.

The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker and Members of the House: I think it is rather unfortunate that I have three divided reports, one, two three, this morning. I certainly am going to be overexposed.

This is the type of legislation that I am interested in. I took a licking on the last bill, but I am still convinced that it is the right approach.

This particular legislation I thoroughly endorsed. It was not written by me but I endorse the principle. Now, I am concerned and I think I have expressed it to you before.

The concentration of industrial activities, the concentration in business activities, the concentration in banking activities that has been taking place nationally and the banking activities in the State of Maine have been of great concern to me.

The bank holding companies and a bank holding bill came into that hearing and the gist of their argument is, we don't want state supervision. Well, certainly they don't want it. The Federal Reserve System is charged with the regulation of bank holding corporations. They have 55,700 federal reserve banks to regulate, and under the congressional law they are now having the duty of supervising the bank holding corporations. And I am sure the State of Maine is not going to get the attention that it deserves. They are going to be concentrating in the other areas.

I am disturbed by the federal reserve on split decisions, 4 to 3, by a bank holding company. The thrust is for greater concentration by the federal reserve system in to fewer and fewer banks, and when you do that, you trade off small headaches for large ones.

I would hope that you would accept the minority "ought to pass" report, so that an amendment could be offered at the second reading which would, in effect, allow banks to establish further branches in a municipality in which they already have a main office or a branch, unless it is determined by the commissioner to be necessary or advisable in the public interests.

This is just an amendment that would delay the last remaining independent banks to be absorbed into six bank holding companies in the State of Maine.

The savings type institutions have been concerned. That I think is a very short sighted attitude. When the remaining independent banks of this state are absorbed or decreased to a mere handful, where are the bank holding companies going to grow, at whose expense? But the changes that are coming in the financial institutions and banking, they are going to grow at the expense of the savings type institution.

Now, we are in a peculiar state. We have a very different situation in the State of Maine. We have a bank law that allows savings advisory boards, savings and loans advisory boards, trust company

advisory boards, credit union advisory boards, who have the veto power over rules and regulations that the bank commissioner would like to introduce.

Now just think, here is a bank commissioner entrusted with running the Department of Banks and Banking for whom? The banks? I would surely hope that it would be for the interest of the people of Maine.

Now, the Banking Department receives its operating money from the banks, from the savings companies, from the savings and loans, they are all taxed. And that money does not lapse at the end of the fiscal year. It continues in an operating account. All the examinations performed on these financial institutions are paid for by the individual bank being examined.

So you have a situation in Maine in which a bank commissioner, supported by the very industry he is supposed to regulate, being controlled by an advisory board of the industry he is attempting to regulate, which can veto any rule or regulation that he would like to adopt in the interest of the people of the State of Maine.

I think the advisory board, as far as the trust companies, is no longer a suitable medium because the advisory board is appointed by the Maine Bankers Association and the Maine Bankers Association holding company members, with each member bank of the holding company having an individual vote, controls the advisory board.

So you have six institutions controlling the advisory board on rules and regulations that the bank commissioner may want to adopt. That is hardly a fair operating condition.

I would advise the legislature that in this particular area the advisory board ought to be removed. There is a process of judicial review; it has been used, and recently, and that to my mind is the proper course to take.

I would hope that you not adopt the majority "ought not to pass" but accept the minority report, allow it to go to second reading,

take a look at the amendment that will be offered at that time and see if it actually does any harm. It does nothing but postpone further action until the Governor's Advisory Committee on Bank Study makes its report and the legislature has time to act on that report.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Boudreau.

Mrs. BOUDREAU: Mr. Speaker and Members of the House: I would say I wasn't concentrating when I made my motion. My motion is to accept the minority "ought to pass" report.

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. MacLeod.

Mr. MacLEOD: Mr. Speaker, Ladies and Gentlemen of the House: I would like to concur with the previous speaker, Representative Lynch, on this banking bill. As you know, today there is an expansion program going on in the State of Maine, and for a small state they are spreading out like super markets with these branch banks. In order to keep this under control and under our banking commissioner, I would at this time like to concur with the gentlewoman from Portland, and support her. I would request a roll call on the acceptance of the "ought to pass" report.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I, too, was going to ask for a roll call. I am perfectly in sympathy with that. I would beg your indulgence, ladies and gentlemen of the House, for just a few moments, in an attempt to induce you to vote against the motion of the gentleman from Milo, Mr. Trask, so that we can get at the bill and get it on the floor where we can amend it.

I would like to draw you a picture this morning. Sorry it can't be an X-rated picture because I know those get a lot of attention, but it is still a very important picture and I hope you take just a few minutes to listen to what I have got to say.

We spoke yesterday about the lack of information that the citizens have with respect to the purchase of homes and how they are easily taken if they pay off and then somebody comes in with a lien afterwards. And I submit to you ladies and gentlemen that the knowledge of banking is not generally disseminated throughout the state.

The whole intent of this legislation in L.D. 1146, as we choose and hope to amend it, is to slow down and to prevent undue concentration of assets in very few, and I emphasize the words "very few" banks or bank holding companies, because ladies and gentlemen, this will ultimately result in a reduction of competition, the finishing of all the principles that the Sherman Anti-trust Act and all the other legislation that has come on the books in this country since the first of the century has been aiming at.

Now, where do we stand right now? With the wisdom of this legislature you folks can decide. Do you want to have just five banks in the state, 20 percent of the assets in each one? How about two, with 50 percent of the assets in each one? We submit that the figure of 15 percent, which would result in at least 7, is a reasonable figure.

The state of Iowa has some legislation on their books which says that only 8 per cent of the assets can be concentrated in any one bank. And it says something like this, "No bank holding company shall directly or indirectly acquire ownership or control, if upon such acquisition the bank so owned the control by the bank holding company, would have in the aggregate more than 8 percent of the total deposits, both time and demand, of all banks in the state. We don't say all banks, we are talking about all commercial banks in this particular instance.

Fifteen percent is not a magic figure. You could decide on any figure you wanted to. However, the federal reserve people, in approving of certain formations of holding companies which involve more than banks, and which involve the

acquisition of existing banks or holding companies, have a guideline that no more than 15 percent of total deposits in commercial banks in a state will be controlled by the applicant. So I think there is some pretty good guidelines here in the figure of 15 percent.

Very recently, ladies and gentlemen, Maine was a rural state, we had businessmen who got together and formed banks. So up until about ten years ago there were well over 100 banks in the State of Maine, 100 commercial banks I am talking about. How many are there today? Well, there has been a precipitous movement toward concentration, ladies and gentlemen, and at present there are six bank holding companies. These are large, I assure you. There is one large single bank, and there are 11 trust companies and 8 national banks for a total of 19, in addition. That is all there is left in the State of Maine at the present time.

Now, these six large holding companies and one large bank — I want you to note this point very carefully, ladies and gentlemen—control 82.4 percent of all the assets in commercial banks in the State of Maine.

So regardless of the number of institutions we are talking about, the assets are really concentrated. The remaining 17.6 percent of the assets are in these 19 other small banks and trust companies.

You might say, how did this happen? Branching laws which were put on the books, in the wisdom of your forefathers in this legislature, prohibited branching except in contiguous counties, meaning obviously, to avoid this statewide proliferation, one great big holding company over the state. How did they get around that? Well, about ten years ago in the banking business, the device of the holding company was brought into being. So the branching laws were circumvented by this device. Now, small banks taken over by larger banks and the holding companies are supposed to maintain their local identity and control, and this is how it is always talked up when they are talking about it. But I can show you, la-

dies and gentlemen, that this does not happen.

In Farmington where — and I don't want to fly under false colors, I am a director of a small bank. In Farmington we had another small bank across the street. We were in competition and getting along nicely. The bank was acquired by a large holding company and they were going to keep their identity and they were going to keep the local control, but what happened? It is now, if you will read the papers this morning, called a branch of the Northeast Bank Shares Corporation. They had a little incident up there yesterday and somebody got away with a little money. But it is now called a branch. I submit to you, ladies and gentlemen, where is the control? It is not in the local area. It is with the board of directors of the holding company. And where is that? They are scattered all over the State of Maine. It certainly doesn't apply to the local area in which this branch does its business.

Why can't the commissioner regulate this, you might ask? Well, the commissioner can't regulate it too well because the regulations that the commissioner is supposed to promulgate, and which he does, are subject to a little veto, as was called to your attention by the gentleman from Livermore Falls, Mr. Lynch.

On the statutes it has been provided that an advisory committee made up of state chartered trust companies or directors or the officers or both, chosen by the Maine Bankers Association, shall be formed. And what does this advisory committee have the authority to do? It has the authority, when such regulations or amendments or repeals are issued, that not less than 30 days after they are submitted the advisory committee may disapprove such proposed regulations of the Banking Commission. Now, you might say that is a reasonable thing. It is some knowledgeable people who are helping the banking commissioner, advising him. But, ladies and gentlemen, I submit to you, who makes up this advisory committee at the present time? It is made up of one, two,

three, four, five, six, seven, eight members, six of whom, ladies and gentlemen, six of the members of the advisory committee of the banking commissioner of the State of Maine are officers or directors from the six large holding companies. If I ever heard of a stacked deck, there is one.

I think that I will conclude my remarks on a little lighter note, because I realize that this a very serious consideration; and I hope you will take it seriously, and I hope that you will give us an opportunity to get this bill out on the floor and amended. I would just like to remind you that in your younger days, the ladies in particular, were probably pointed out many times that there was safety in numbers. I submit to you, ladies and gentlemen, there is safety in numbers, and I hope that we can keep the numbers of the banking institutions, the independent banking institutions, at a reasonable level in the State of Maine. This is a very vital bill.

There is an article which was published a little while ago. A great deal of it is apropos. I will not read it all. It has to do with concentration and it was written by a pretty capable guy, Art Buchwald, whom you have all heard read at various times. He mentions the fact that every time you pick up the newspaper you read about companies merging with other companies, and he gets to talking about the Chairman of the Board of Samson and the President of Delilah. Wouldn't it be a great idea if they got together and merged? After all, they were the last two companies left in the whole country.

They talked it over, and they decided that it was a good idea, but the head of the Antitrust Division indicated that he might have some reservations about allowing the only two companies left in the United States to merge. He said, "Our department will take a close look at this proposed merger. It is our job to further competition in private business and industry; and if we allow Samson and Delilah to merge, we might be doing the consumer a disservice."

They persisted in their efforts and someone pointed out that if

you merge, there will be only one company left in the United States. "Exactly," said the President of Delilah. "Thank God for the free enterprise system." Well the Antitrust Division of the Justice Department studied the merger for months, and finally the Attorney General ruled, "While we find some drawbacks to only one company being left in the United States. We feel the advantages to the public far outweigh the disadvantages. Therefore, we are making an exception in this case in allowing Samson and Delilah to merge.

"I would like to announce that the Sampson and Delilah Company is now negotiating at the White House with the President to buy the United States. The Justice Department will naturally study this merger and see if it violates any of our strong antitrust laws."

Ladies and gentleman, this is what concentration is all about. Concentration means power. Power is what you are going to get if you get just five or six banks; and of course, I know what they are all thinking. They sit there and they say, well, when it comes down to the five or six and we have no regulation, I am going to be smart enough and I am going to be cute enough so that I am going to take over number four. Then I will be number one and then the resulting number one says, gee, that is not quite enough, so he wants to take over number three.

Eventually, ladies and gentlemen, without the benefit of some legislation, you are going to end up with no competition. This affects you, every one of you, you all bank. This affects every one of your constituents. They all bank.

All we are asking you to do this morning is to defeat this motion to put the "ought not to pass" report out and to let us have the "ought to pass" report so that we can offer Mr. Lynch's amendment, which will keep the store open; will allow the status quo to remain as it is until the Governor's Select Committee has had an opportunity to report; at which time the act, according to the amendment which he proposes, will then be completely nullified. So I ask

you to defeat the motion of the gentleman from Milo, Mr. Trask.

Order out of Order

On motion of Mr. Smith of Dover-Foxcroft, it was

ORDERED, that Steve Parent, Louise Roy, Betty Gibson and Verna Ouellette of Van Buren be appointed Honorary Pages for today.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker, and Ladies and Gentlemen of the House: I will try to be somewhat brief on this. I would feel remiss if I did not rise and support the gentleman from Milo, Mr. Trask. After all, I was one of the majority signers of this report, and it goes farther back than this in that on the Research Committee last summer we opened up quite a can of worms as far as I am concerned, which being the whole banking and financial institutions of the State of Maine.

These laws involving these banks and financial institutions have grown like Topsy, and the life blood of the whole state depends on our finances and financing businesses. A business has to borrow money just the same as you folks do or most of us do when we buy an automobile or house or something like this. Therefore, it becomes a very vital part of our whole set up.

As a result of the Research Committee study which started simply on savings banks being able to issue checks, we found that this was not just a state problem. The federal government had just completed the so-called Hunt Report, which anyone that is interested in finances at all, it would be well worth their while to study. Anything that we do here today could be very well nullified by federal laws that are coming out of this present study of the so-called Hunt Commission.

We here in Maine are uniquely fortunate in that Dr. Murphy at the University of Maine, who holds a banking chair there, was an economist with this Hunt Com-

mission and knows a great deal about the thinking, not only of the needs here in Maine but also what is happening all over the United States on this.

Our good Governor picked up the ball last summer and started this special committee on banking. I was fortunate enough to be one of the legislative members of this committee. I have gone through the hearings with Business Legislation. One of the bills which we have heard is this one today that we are asking you to accept our majority "ought not to pass" report. Basically, although we have heard a great deal of debate on the subject and facts and figures and some things that were not quite so factual but quite emotional, as you have been treated to here on a very small scale this morning, but to me and to most of the committee, one of the chief things is that this bill becomes over protective. There is such a thing as wanting to see your small banks survive and prosper. But there is also such a thing as strangling themselves to death with over protection and this is the reason we ask you to accept the majority "ought not to pass" report on this bill.

The SPEAKER: The Chair recognizes the gentleman from Durham, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: When I was leaving the house this morning, my wife asked me if I was going to speak on this banking bill; and when I said yes, she said, "Well, you had better go back and put your vest on." So I did and I want to assure the members of the House that I do not have a vested interest in this particular bill. One of the speakers said that if I got a laugh out of that, the representative from Oakland, Mr. Brawn, would use it for the next 20 years.

There is no question in my mind that the reason this issue is presented to us today has been the success of the large commercial banks in driving many of the smaller commercial banks out of business. Unless one is overly suspicious and has a rather super-

ficial view of life and automatically assumes that everything big is bad, one would want, I think, a greater explanation than what we have been given here this morning. I see a lot of perplexed faces. So allow me to try to present in capsule form what the two competing arguments are.

The large banks claim that, although it is true we have a few banks, there is nothing inherently evil in this situation. The large banks mean more capital. More capital means more services available to the business needs and the credit needs of the State of Maine.

The points of the smaller banks, I think, have been ably made this morning. The gentleman from Lubec, Mr. Donaghy is quite accurate. We cannot answer such a complicated issue here this morning. That is why the Governor has appointed a committee, to which Mr. Donaghy and the gentleman from Dover-Foxcroft, Mr. Smith, are members, to study this.

I urge you to vote no on the pending motion, even though we cannot come to an ultimate answer on the issue before us. And the reason that I do urge you to vote no is that if we wait until the 107th, if we wait two years for the Spanogle Commission to release its report, it might well be too late; because at the rate which mergers are taking place, and especially if large commercial banks see that type of legislation is possible, that rate will increase, as the gentle lady from Portland, Mrs. Boudreau, pointed out earlier.

When one realizes that two years, indeed, may be too late and all the work done by the Spanogle Commission might prove fruitless, because there may be very very few commercial banks left. So let's keep this bill alive. Let's vote no on the pending motion. Let's get the amendments on tomorrow at the second reading. Let's hope that we can allow the commission to do its work by essentially maintaining the status quo in this very complicated and sensitive area.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: Having three items on the calendar, one after the other, I kind of lose track of some of the things I ought to be saying.

First of all, I did receive clearance of a conflict of interest on these two bills.

Secondly, I am a director of the Livermore Falls Trust Company. At the hearing, the thrust of the opposition was that these are bills to benefit the Livermore Falls Trust Company. I can assure you that we do not and will not benefit from these bills. We have a savings bank in our town. We have in the adjoining town — which it is hard to distinguish between the line between the two towns. They are only a half mile or so apart from our main office. We have a branch of a holding company in our town. We have a population of about 3,000 people. We have been exposed to competition. We are not hurting. We are not seeking relief for our bank. We are interested in what is best for the people of Maine. Without attempting to do any advertising for the bank, if you are acquainted with what we are doing, you know well that we are innovative and highly competitive, but on a fair, ethical, legal basis. And that is the way we would like to see banking done in the state.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Deshaies.

Mr. DESHAIES: Mr. Speaker and Ladies and Gentlemen of the House: I signed the "ought not to pass" report on this L.D. but I certainly would be willing to let it go to second reading and take a look at this delicious proposed amendment.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I just have two questions to pose to the Speaker. I heard two motions made. What is the motion before us?

The SPEAKER: The pending motion is the motion of the gentleman from Milo, Mr. Trask, to

accept the majority "ought not to pass" report.

Mr. Lynch was granted permission to speak a third time.

Mr. LYNCH: Mr. Speaker and Ladies and Gentlemen of the House: I hope that I do not have another morning like this, ladies and gentlemen. One thing I would like to emphasize. In banking, you do not go your own way entirely. You have to have accommodation with all the other banking units in the state. And I would like to emphasize that the bank with which I am associated has very accommodating and enjoyable relations with bank holding corporations in the State of Maine and with the large independent banks. We have no quarrel with any of these banks. We are just seeking a good solution to banking for the people of Maine.

There is a requirement, it has to be in the State of Maine, that if a bank has a loan that is larger than it can handle, it participates with other banks. There has to be that sort of an association. We are not quarreling with this.

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Dyar.

Mr. DYAR: Mr. Speaker and Ladies and Gentlemen of the House: I am not a banker. I almost became a bookmaker last night after I discussed some of these bank problems with a former bank president of a bank which was gobbled up by a conglomerate. He wanted to wager me last night that within five years, at the present rate of progress, there will not be an independent bank left in the state unless they have assets in excess of \$200 million.

The conglomerate that took over his bank, at the present time, for one service is paying IBM in excess of one and one half million dollars per year.

IBM is a big outfit and probably could be put in the position of possibly forcing some of these mergers. Mr. Donaghy brought to mind another conglomerate whom I do not know whether it is in the banking business or not. They are in the insurance business, I believe in Hartford,

Connecticut. They own Continental Banking and several other large corporations and are trying to buy half of northern Franklin County. I think we can sit here and let these things take place or we can sit here and vote for enabling legislation that would keep these people out and keep them in line.

I hope this morning you will vote against the motion on the floor and support the minority "ought to pass" motion.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Milo, Mr. Trask, that the House accept the Majority "Ought not to pass" Report on Bill "An Act Regulating Bank Branching," House Paper 861, L. D. 1146. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Baker, Berry, G. W.; Brawn, Brown, Bustin, Dam, Davis, Donaghy, Drigotas, Emery, D. F.; Ferris, Hoffses, Jackson, Kelley, Maddox, Maxwell, Merrill, Morin, V.; Norris, Pontbriand, Pratt, Ricker, Rollins, Shaw, Sproul, Stillings, Theriault, Trask, White.

NAY—Albert, Berry, P. P.; Berube, Binnette, Birt, Bither, Boudreau, Bragdon, Briggs, Cameron, Carey, Carter, Chick, Chonko, Churchill, Clark, Conley, Connolly, Cooney, Cote, Cottrell, Cressey, Crommett, Curran, Curtis, T. S., Jr.; Deshaies, Dow, Dudley, Dunleavy, Dunn, Dyar, Evans, Farley, Farnham, Farrington, Faucher, Fecteau, Finemore, Flynn, Fraser, Garsoe, Gauthier, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Henley, Herrick, Hobbins, Hunter, Immones, Jacques, Jalbert, Kauffman, Kelleher, Kelley, R. P.; Keyte, Kil-

roy, Knight, LaCharite, LaPointe, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, Lynch, MacLeod, Mahany, Martin, McCormick, McHenry, McKernan, McMahan, McNally, McTeague, Mills, Morin, L.; Morton, Mulkern, Murchison, Murray, Najarian, O'Brien, Palmer, Parks, Perkins, Peterson, Rolde, Ross, Sheltra, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Smith, S.; Soulas, Strout, Susi, Talbot, Tanguay, Tierney, Tyndale, Walker, Webber, Wheeler, Whitzell, Willard, Wood, M. E.

ABSENT — Ault, Bunker, Carrier, Gahagan, Hamblen, Haskell, Huber, Santoro, Trumbull.

Yes, 29; No, 111; Absent 9.

The SPEAKER: Twenty - nine having voted in the affirmative and one hundred eleven in the negative, with nine being absent, the motion does not prevail.

Thereupon, the Minority "Ought to pass" Report was accepted, the Bill read once and assigned for second reading tomorrow.

Order Out of Order

Mr. Lawry of Fairfield presented the following Order and moved its passage:

ORDERED, that Robbie Greenlaw, Tia Martin, Kara Hiestad, Brian Buzzell and Janet York of Fairfield be appointed Honorary Pages for today.

The Order was received out of order by unanimous consent, read and passed.

Divided Report Tabled and Assigned

Majority Report of the Committee on Business Legislation on Bill "An Act Prohibiting Geographic Price Discrimination by Financial Institutions" (H. P. 860) (L. D. 1145) reporting "Ought not to pass."

Report was signed by the following members:

Messrs. MARCOTTE of York
COX of Penobscot
KATZ of Kennebec
— of the Senate.
Messrs. TRASK of Milo
MADDOX of Vinalhaven
DONAGHY of Lubec
JACKSON of Yarmouth
HAMBLEN of Gorham

O'BRIEN of Portland
BOUDREAU of Portland
— of the House.

Minority report of the same Committee on same Bill reporting "Ought to pass"

Report was signed by the following members:

Messrs. TIERNEY of Durham
DESHAIES of Westbrook
Mrs. CLARK of Freeport
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Trask.

Mr. TRASK: Mr. Speaker, I again move the acceptance of the Majority "Ought not to pass" Report and would like to speak to my motion.

The SPEAKER: The gentleman from Milo, Mr. Trask, moves the acceptance of the Majority "Ought not to pass" Report.

The gentleman may proceed.

Mr. TRASK: Mr. Speaker and Ladies and Gentlemen of the House: This is another bill which was very well presented before our committee. But again, a majority of the committee felt that no action should be taken until such time as the Governor's Committee studying the banking laws had a chance to make their recommendations. So, Mr. Speaker, for that reason I urge the acceptance of the majority "ought not to pass" report.

On motion of Mr. Simpson of Standish, tabled pending the motion of Mr. Trask of Milo to accept the Majority "Ought not to pass" Report and tomorrow assigned.

Divided Report

Majority Report of the Committee on Business Legislation on Bill "An Act Relating to Savings Bank Life Insurance" (H. P. 1117) (L. D. 1453) reporting "Ought to pass" as amended by Committee Amendment "A" (H-343)

Report was signed by the following members:

Messrs. MARCOTTE of York
COX of Penobscot
— of the Senate.
Messrs. JACKSON of Yarmouth
DONAGHY of Lubec
O'BRIEN of Portland

DESHAIES of Westbrook
 TIERNEY of Durham
 Mrs. CLARK of Freeport
 BOUDREAU of Portland
 — of the House.

Minority Report of the same
 Committee on same Bill reporting
 "Ought not to pass"

Report was signed by the follow-
 ing members:

Mr. KATZ of Kennebec
 — of the Senate.
 Messrs. MADDOX of Vinalhaven
 TRASK of Milo
 HAMBLÉN of Gorham
 — of the House.

Reports were read.

The SPEAKER: The Chair recog-
 nizes the gentleman from Port-
 land, Mr. O'Brien.

Mr. O'BRIEN: Mr. Speaker and
 Ladies and Gentlemen of the
 House: I move the Majority "Ought
 to pass" Report and I will speak
 briefly to my motion.

The SPEAKER: The gentleman
 from Portland, Mr. O'Brien, moves
 the acceptance of the Majority
 "Ought to pass" Report.

The gentleman may proceed.

Mr. O'BRIEN: Mr. Speaker and
 Ladies and Gentlemen of the
 House: It is very difficult to pick
 a spot where to start. This morn-
 ing I feel almost naked standing
 here before you, pleading with you
 for the acceptance of this majority
 "ought to pass" report. This is my
 bill. In my estimation it is a very
 good bill, very beneficial to the
 consumer.

I must apologize to the members
 of the House and also to the mem-
 bers of the committee for bring-
 ing such tremendous pressure to
 bear on them, especially to those
 members on the committee. I
 realize that the lobbying effort in
 opposition to this bill was tremen-
 dous and I have to commend
 you for your courage in standing
 fast on your position.

Thinking of the bill in itself and
 how this came to be, I am a pur-
 chaser, I have been a purchaser
 of savings bank life insurance. I
 find the savings bank life insurance
 to be far far cheaper than any of
 these commercial companies or
 stock companies that are in the
 business of selling life insurance.
 This is not a new concept, although
 those in opposition to it would have
 you believe that the savings banks

are going into the life insurance
 business. This is not true. That is
 just one way of muddying the wa-
 ters up very heavily.

All the savings banks in this
 case are doing is acting as your
 agent. Instead of the agent coming
 charging into your home every
 time you have a new baby or
 someone gets married or you buy
 a house or take on some other
 additional financial responsibilities,
 you find that the agents are sud-
 denly calling you and telling you
 that your insurance program is
 woefully inadequate. I believe the
 consumer and the people of Maine
 are astute enough, I believe they
 are very astute and they can make
 their own independent decisions
 of how and where they shall buy
 their life insurance.

This bill had a very very good
 hearing, well attended by opponents
 who made their views very well
 known, both then and since then.
 But most important, they had a
 real knock down, drag out Execu-
 tive Session. Those on the Busi-
 ness Legislation Committee know
 what a knock down, drag out ses-
 sion that was, no holds barred.

If you will read the signers of
 that "ought to pass" report, you
 will find insurance men signed
 "ought to pass." Now that, in my
 way of thinking, took tremendous
 courage and they have been sub-
 jected to tremendous amounts of
 lobbying pressure. Having recog-
 nized it as an opportunity for the
 consumer, the people who pay the
 premiums, to buy their insurance
 at a great reduction — I am not
 talking nickels and dimes, I am
 talking dollars, many, many, many
 dollars. Very very seldom do I —
 I don't speak from a speech, I
 usually shoot from the hip, so I
 have made some notes here but
 now I can't even find them.

I have distributed to you this
 morning some testimony that was
 given before the subcommittee on
 antitrust and monopoly. But you
 have to recognize that the in-
 surance companies own a very
 very close owner monopoly. And
 I believe, I believe it is time that
 we dug our toes in and told these
 insurance people that we are go-
 ing to have our people in the
 State of Maine, get the most that

they possibly can get for their dollar. The big difference between savings bank life insurance and any other insurance you would buy is the cost of that insurance. The insurance company retains such a great amount of your premium dollar, that is why the savings bank life insurance is far far cheaper.

Mr. Speaker, I move the acceptance of the "ought to pass" report and I ask for a roll call.

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Trask.

Mr. TRASK: Mr. Speaker and Ladies and Gentlemen of the House: I oppose the motion to accept the "ought to pass" report. This legislation is not new to this House. Similar legislation was proposed in the late 1940's and in 1957 and again in 1965 and was decisively defeated on all three occasions. This bill was introduced purportedly for the benefit of the consumer. But I fail to see how the consumer would benefit, either premium or coverage-wise, simply by the fact that the insurance would be sold by a savings bank.

It will be argued that savings bank life insurance premiums are cheaper in Massachusetts, but it is my understanding that the costs of operating there are subsidized by the state by providing a director of actuaries. Low cost life insurance is now available in Maine, even in the small towns and as such a plan as the one proposed would require a high density of population, I do not see how it would benefit the people of Maine, particularly in the rural areas.

Mr. Speaker, I hope we will not accept the "ought to pass" report.

The SPEAKER: The Chair recognizes the gentleman from Parsonsfield, Mr. Pratt.

Mr. PRATT: Mr. Speaker and Ladies and Gentlemen of the House: I am not an insurance man, I am not a banker, but I was somewhat surprised when I learned that this bill was being sponsored by Mr. O'Brien from Portland.

I had the pleasure of serving in the 105th legislature on the

Business Legislation Committee and served with Mr. O'Brien on that committee. At that time, I introduced a bill which prohibited banks from selling life insurance. This is in the insurance code, Chapter 1514A. It reads, prohibiting as to banks, savings and loan associations, credit unions, no license shall be granted as an agent, broker or consultant and so on. I will not read the whole chapter, that is on the books.

I was surprised because Mr. O'Brien was on the committee at that time. I think this bill came out unanimous "ought to pass." There were plenty of insurance people and plenty of bankers present that day the bill was heard. It had a good hearing. I didn't hear of any bankers objecting to it. I am wondering why suddenly they are out to upset this legislation that had such an easy ride two years ago. I don't know, maybe suddenly the savings banks want to get into the business of the insurance field. But I haven't had any contact me and I didn't after the bill was passed two years ago.

I feel it will just make for more confusion, necessitate more regulation and I would like to move the indefinite postponement of this bill and all the accompanying papers.

The SPEAKER: The pending question is on the motion of the gentleman from Parsonsfield, Mr. Pratt, to indefinitely postpone L. D. 1453 and all accompanying papers.

The Chair recognizes the gentleman from Island Falls, Mr. Walker.

Mr. WALKER: Mr. Speaker and Ladies and Gentlemen of the House: A previous speaker mentioned the Union Mutual amendment which I might point out refers only to re-insurance and does not correct any of the other errors of both omission and commission in this bill. I would point out the requirement as to the examination for savings bank employees. It leaves it entirely to the commissioner to determine what kind of an exam should be utilized.

I really cannot object to the savings banks selling life insurance if, and that is a big if, they are subject to the same rules, regulations and taxation as is everyone else. However, the commissioner is given the authority to evolve any kind of an examination program he wishes and we find that a savings bank can go into the life insurance business for as little as \$20,000 when it cost \$1 million for anyone else to go into the same business. It appears to me that this bill is discriminatory and could lead to serious problems in regulation where both the banking and insurance department will have a responsibility.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: Unlike the way some people preface their speeches, I fully intended to speak on this bill. Not only do I feel that it is an excellent idea, but it is very close to my heart. I supported it in 1957 and I sponsored it in 1965. Even then, the insurance lobby and agents turned out in mass as prophets of doom, completely an unrealistic stand.

At the outset, let me state that I certainly have nothing against insurance salesmen or agents. Furthermore, I certainly do not want to take any irresponsible action that might be detrimental to their personal business. However, I do feel there is a need and a place for the special services proposed today in the interest of our lower income families. I believe that everyone will admit that we should encourage this group to save wherever possible. Also, we should urge that they buy insurance for the added protection for their families. This bill purports to do just that with the introduction of low cost savings bank insurance.

However, aside from this point, we have one other aspect which we feel is very important—the individual's freedom of choice. You may purchase all other forms of insurance directly from the company if you so desire. With life insurance they do not give you this choice. The agency sys-

tem is the chosen sales philosophy of the life insurance companies. I do not question but that this is normally the soundest method of conducting their business. Still, I do maintain that a person should have the opportunity to choose the alternative method if he so desires.

The opponents say we are trying to put them out of business, that it really is not low cost insurance and that savings banks have no place in the insurance business. I think that this last statement is worthy of comment. If it were really true, then what are the big insurance companies doing in the banking business today? When I say "in the business," it may not actually be defined as such, but the two are certainly somewhat compatible in the many services offered. For instance, insurance companies encourage leaving money with the company even when the policy is paid up or upon death to earn interest. They suggest that dividends be left to also earn interest. They comprise one of the largest lending agencies in the U. S. today. I say that these two businesses are very similar in their basic concepts. Insurance companies endeavor to earn enough on their investments to cover their interest and then pay claims when they are due. Savings banks strive to earn enough from their investments to cover their interest and pay withdrawals when these are presented. Saving is insurance of a sort and certainly life insurance is a form of saving.

The opposition suggests that this is just a scheme to take money out of their own pockets. Several years ago I believe that they used the same argument relative to social security. I also understand that later they said the same thing when National Service Life Insurance was proposed. Of course, this did not materialize in either case. Here is an important premise which I believe they missed entirely. Both of these programs really tended to make the public more aware of insurance. In reality they stimulated the purchase of much additional coverage. I have always contended that the more we make people insurance conscious, the

more it will help everyone's cause rather than be a deterrent.

To me, some of their arguments sound strange. On one hand they say that it just cannot work, while on the other they maintain it will ruin their business. We must remember that the whole purpose of our plan is designed to benefit the low income group.

I was most interested to have one of my agents tell me recently that his company was not the slightest bit worried about this proposal. He added that, of course, this was aimed at an entirely different group of customers. He stated that the end result would surely not raise havoc with either the industry or agents, since we were not luring present customers away but only striving toward a new market which had been neglected, because it was not profitable enough to be attractive.

Not all insurance companies are fighting the plan. Some are forward enough thinking to view the proposal as a legitimate facet of the business, albeit small. In this instance the Phoenix Mutual Life Insurance Company has agreed to be direct insurer of Savings Banks Plan for life insured mortgages. This company has extended its full cooperation to these savings banks in the development of this most worthwhile low cost insurance plan.

The Savings Bank Life Insurance Company has been organized as a part of the Interstate Plan to carry mortality risk and provide actuarial and medical service. This has been in operation several years now and makes it possible for any mutual savings bank to participate in the sale of over-the-counter insurance. Under the Interstate Plan of re-insurance provided by the company, the savings banks issue the policies and receive premiums from their policy holders. The savings banks retain the investment portions, called reserve, and receive payment from the company for the difference between the reserve and the face amount of the policy.

In summary, our primary interest is the lower paid workman. We only want to stimulate his savings habits. We do not expect the

business to be too profitable. The while idea is in line with our basic philosophy "savings banks should encourage thrift and savings, not only as a moral way of life, but a stimulant to character in the realization of increased security for one's family. Savings bank life insurance can only enhance these commendable ideals!"

I hope you vote against the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Mexico, Mr. Fraser.

Mr. FRASER: Mr. Speaker, Ladies and Gentlemen of the House: I opposed this measure in the 102nd. I opposed it in the 104th, and here in the 106th I have to oppose it again. Apparently, it comes along every four years.

I am not here because of any lobbyist. I am here because I spent a good part of my life in the debit life insurance business that has attracted those businesses with these so-called low income.

Now, one of the reasons I oppose it is right here on one of the circulars that is lying on my desk this morning, because it is to be sold over-the-counter by regular salaried bank employees who do not make home calls, do not receive commissions. So the net cost of the insurance is lower than that sold by many private companies.

Ladies and gentlemen of this House, would you go buy life insurance from somebody who does not know anything about life insurance? An ordinary bank clerk could not advise you properly. It has to be a person who has made a study of that business and received a license for it; and believe, me you are not going to hire that kind of person for an ordinary bank clerk's salary. They also tell you that the difference in cost is saved because of the lack of agent's commission. Well, ladies and gentleman, the average agent's commission over the period of 20 years of a life insurance policy is between 5 and 6 percent. To offset that 5 and 6 percent, you surely have to pay the salaries of these bank people. They can tell you they work for nothing, but nobody works for nothing. This counselor will have to know his

business, and he has to have a good salary. So a good part of that 5 or 6 percent is taken care of right there.

Now, you might be able to entice low-income people, those so-called low-income people to come to your bank and buy life insurance under the belief that they are getting it for a lower cost. They might buy it. But ladies and gentlemen of this House, I tell you that I sold many monthly premium policies in my life. At one time I had 50 families to service, and most all of them, somewhere along the way between the first, second, or third year, they would have to be resold. Once in a while a financial upset will come along; and they would say, I will let my premium go for this month and I will pay it next month. And the next month there are two premiums to pay. If they are not able to pay one this month, they may not be able to pay two next month. So what happens if the policy lapses? A lapsed policy is no good for the seller and it is no good for the buyer. It is just money lost on both sides of the fence.

Ladies and gentlemen, I have sympathy for these low-income people, so I ask you to indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Cottrell.

Mr. COTTRELL: Mr. Speaker, Ladies and Gentlemen of the House: I did not know this bill was coming up until I came into the House this morning. I have been in on this situation every time it has been brought up, and I am not prepared to speak. I think there have been many inaccuracies presented.

We have not heard the history of the savings bank life insurance. It started in 1910. Today there are only three states, contiguous states, that have it in the United States of our 50 states. Massachusetts started it. It was started by a great man, Judge Brandeis, of the Supreme Court. At that time a so-called industrial insurance was not operating properly. There were faults and we had the great

Armstrong investigation. And out of that came the savings bank in Massachusetts.

It has proved to be a great thing in the life insurance field, and it has not grown. And it would not grow in this state because we are such a small populated state. We have 250 life insurance companies registered in Maine and they sell at least 75 different kinds of policies for different persons. I am sorry this was brought up. I have got lots more to say, and I know that I will get a second chance when it comes up again.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Sproul.

Mr. SPROUL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to say at the outset that I am licensed to sell life insurance, but I can assure you that I am not interested in any of this type of business.

I would like to straighten out the record a little bit. I think there is a misprint in the calendar, first of all, as to the "ought to pass," we do not seem to have anyone "ought not to pass" in there.

Secondly, some of the things that have been stated, Mr. O'Brien said that this was not a question of the savings banks going into the life insurance business. But I notice in a definition over here on section 803, subsection 5, we have savings bank life insurance company. It would seem to me that they are going in the insurance business. In fact, they are already in it, as Mr. Ross pointed out, with their mortgage insurance. I think all of them do this.

I have no qualms with them being in the business, but I do think there are a few other things that should be mentioned here. They talk in terms of them being under the same regulations as the life insurance companies. I think the bill says that they will have a reserve of \$20,000. I believe you will find a life insurance company has to set up a million dollars to go into business in the State of Maine.

There are many other things, I must agree with Mr. Fraser, that is important as to how this

life insurance is set up; and you can save money on an initial purchase of life insurance and you can lose it all at the end of the line in taxes and fees if it is not set up properly. So these people making a major purchase need to talk with someone who knows their business just as much as when they are buying some other commodity. The low-income people, I think everyone is sympathetic with them, but I cannot see how they can possibly become involved in a savings program when they are having difficulty to buy their groceries and pay their bills. I think the answer to this is probably group insurance, if any insurance at all, not a savings insurance.

There is one other thing on the expenses and fees and taxes. The taxes would not be involved in low income, but many people today are involved in our state taxes and are unaware of it. I noticed yesterday they said only one member on a committee realized that there was such a thing as a lien law from a lumber company. I wonder how many people in the House know what size estate they would be involved in to get involved in federal estate taxes, and this life insurance is involved in federal estate taxes if it is not set up properly.

So I submit to you that these people and, unfortunately, many of the people selling insurance today are not aware of these things; and the fees for executive — and we are always talking about these high-income attorneys here, we have attorneys' fees that can come out of these funds if they are not set up properly, also. I do not think that there would be any advantage to the consumers in what they would accomplish through their purchases here. I think they might lose any advantage in the way it was set up.

The SPEAKER: The Chair recognizes the gentleman from Durham, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Portland said earlier that he felt naked as he stood before this body, and I thought the least that I could do

is to stand beside him in my three-piece suit.

There is no question that the gentleman from Augusta, Mr. Sproul, pointed out some of the technical difficulties of this bill, and this bill is far from perfect. The intent seems to me to be an inherent problem when even anyone from outside the insurance industry tries their level best to come up with a decent piece of legislation to help the consumer. Because when you are working from outside the industry, there is no question that you cannot come up with a technically correct bill.

I think that we address ourselves to something more important and that is the basic concept. The basic concept would be that the low income and the working people of this state deserve the opportunity to easily purchase life insurance policies within their means. I think that when we address this issue, we should now weigh in our minds the question of economic protectionism.

One member associated with the savings bank industry, for example, noted that this would "knock us out of business." I do not think this should be something we should consider in our approach. Rather, I feel we should consider what would be the greatest good for the greatest number and go along with the majority report.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: As a point of information, which of the reports are we talking about?

The SPEAKER: The pending question is on the motion of the gentleman from Parsonsfield, Mr. Pratt, to indefinitely postpone L. D. 1453 and all accompanying papers.

Mr. DONAGHY: M.: Speaker, with or without the amendment? There were two reports that came out of the committee, one with an amendment on it and one without; and I think some of the speakers have referred to one at least as being referred to the amended bill, and the others have just been saying "ought to pass." Because both

bills were sent out "ought to pass" but one is amended by the committee.

The SPEAKER: The Chair would answer that the Minority Report is an "Ought not to pass" Report. The Clerk, this morning when she read the committee reports, did read the word "not" but as the gentleman from Augusta pointed out, the word "not" was left off from the printed calendar.

Mr. DONAGHY: So in other words, Mr. O'Brien is speaking for the "ought not to —

The SPEAKER: The pending question, sir, is the motion of the gentleman from Parsonsfield, Mr. Pratt, to indefinitely postpone the bill with all accompanying papers.

Mr. DONAGHY: Mr. Speaker, Members of the House: I am thoroughly confused. I hope that the rest of the House is not as confused; but having been in the life insurance business for too many years as far as my wife is concerned, I would like to offer you a few thoughts on this for what they are worth.

I can answer the gentleman from Durham who just said that it seems as though that when someone tries to get into the field, they found stumbling blocks of technicalities. The life insurance business is a technical business. It could very well present stumbling blocks to someone who tried to interfere with something that has been built up over the years and recognized as one of the real cornerstones of this great country of ours; because many widows, children, businessmen, retirees have depended and will depend in the future on this great institution of life insurance.

The reason I was asking about which report we were talking about is the one that I signed and the majority signed had an amendment added to it. I will use the wonderful word, the low-income people and the consumers should be protected. If the savings banks are to go into the life insurance business, they should be required to abide by the insurance laws, not the banking laws.

I am sure that you men here in the House would not want your widows to go to the bank after

your death and find out that the bank had just folded; some company that had started their business on \$20,000 was unfortunate enough to have several deaths at the same time with the maximum allowable in their account and not be able to pay off.

Life insurance companies must invest their money not only have to have that million dollars here in Maine to start business but they also are restricted in what they can invest in. Most of the major companies, as far as getting insurance at a low cost, most of your companies are mutuals, the major companies and which is the same idea as this as your mutual savings banks that you have here in Maine and savings banks are not known all over the United States, let alone savings bank life insurance which is only known in three states. The reason for that is that it is a technical business; and the bank clerk, unless he has qualified himself, should not be allowed to tell people how to set up their estates or where life insurance fits into their estates or how it will be taxed at the time of their death, buy and sell agreements between owners of businesses. All business is not big and a buy and sell agreement between two businesses in many instances could well fit within the framework of a small life insurance policy set up with a savings bank.

But you must have people handling these technicalities that know what they are talking about. It takes many years and much study and some basic common sense on top of that to have someone who you would want to handle your affairs. You don't go to the butcher who can cut up a side of beef if you need appendectomy or colostomy or something like this, and so why go to the clerk or the teller at a bank who has not studied anything about the technicalities of insurance; and there are very copious laws on insurance and the handling of insurance at the time of a death; transfers for value, all this sort of thing that could very well negate the values of your life insurance if they were not handled properly.

This is the reason that I, as an insurance man and as a protector of my constituents, my family, would want to see that life insurance, if it is sold by savings banks, be regulated by the same insurance laws that control the insurance companies as such; and if they are, there is no reason why savings banks cannot sell it the same as everyone else, but let's see they handle it in the same manner under the same laws.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: To answer the question of the gentleman from Lubec, Mr. Donaghy, we are talking about L.D. 1453 with the committee amendment on it, and I notice Mr. Donaghy signed that "ought to pass."

The SPEAKER: The Chair recognizes the gentleman from Mexico, Mr. Fraser.

Mr. FRASER: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will bear with me because I am not a person who writes speeches. I do not know how for one reason, and if I did, I probably could not read it right.

I mentioned to you before that the bank people do not make house calls. I intended to speak on that. And I also spoke about the fact that the policy holders have to be encouraged after the fifth, sixth, seventh, or eighth month. When a financial upset — mostly minor, because with low-income families it would have to be minor — forces them to postpone payment of a premium, which eventually causes it to lapse. That is where an agent's services are valuable. He comes in there and encourages them; and if by any chance they do not pay this month, he will be back the next month and perhaps even resell the thing in order to keep it in force, they may not collect more than one month on the second month and still be one month behind, but they are allowed one month before it lapses. Then sooner or later, with the agent's persistency, everything is caught up and it goes on from there and it saves the policy rather than let it lapse.

Further, I want you to all understand that I am not speaking from a selfish point of view because I have been out of the business for 10 years.

I recently spoke to one of the officials of the company I worked for and asked him what he thought about it. He said "As long as they will work under the same regulations, the same licensing, the same requirements that we are, I have absolutely no objection to it." But this doesn't call for that.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Cottrell.

Mr. COTTRELL: Mr. Speaker and Members of the House: I was going through my amendments and I don't think this bill is in shape yet to vote on. This amendment was placed on our desks and it hasn't been offered. We are voting on an impossible bill.

I have heard a lot about low income people, but it seems to me this bill calls for savings banks to sell to an individual as much as \$40,000.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. O'Brien.

Mr. O'BRIEN: Mr. Speaker and Ladies and Gentlemen of the House: The water has become awful, awful muddy, and it is obvious to me as the sponsor of this bill that very, very few of my friends on the floor of this House have read the bill.

I feel like the bull in the bull ring. Just before they give him the final coup de grace they play a song, and I hear the music being played.

To clear up some of the problems that are in this bill, four or five of the opponents who spoke against this bill complained of the clerk, the bank clerk, selling over-the-counter insurance. The bill clearly states that the person in the bank who was selling this insurance must meet all the requirements and examinations given by the insurance commissioner. The person in that bank is every bit as qualified as any insurance man walking the streets. My friend beside me is saying no. Obviously he hasn't read all the bill either,

and I will point to the section for him.

Now, the arguments that I have heard presented here are the same arguments that were presented against mass merchandising of all types of insurance. Years ago when group insurance first came to the folds it was argued that this was not good, that you were selling to large groups and the insurance agencies could not service the large groups. But we have group insurance and it has worked and it is good insurance.

You buy your hospitalization insurance from a nonprofit organization which is not an insurance company. It is called Blue Cross- Blue Shield. The insurance companies for years have fought Blue Cross and Blue Shield because they don't service their policy holders. Who in this House would give up their right to Blue Cross and Blue Shield because the man doesn't make a house call on them?

Shortly in today's session we will have another mass merchandising bill, and that is all this bill is, a merchandising bill. The people who are selling this insurance are every bit as qualified as any insurance man sitting here on the floor of this House.

At our Executive Session we had two gentlemen from the Insurance Commissioner's office. The Insurance Commissioner has taken neither a stand for nor against this bill, but one important point they did make, and I have to repeat it to you now, their comment was, "it is always in the best interest of the public when they can purchase an equal amount for less money." And I submit to you that the savings bank life insurance bill is an equal product to any insurance program that any agent on this floor could offer me. That is very important — an equal product for far less premium dollars.

The amendment that is also on the bill was offered by Douglas Brawnsjill. Now I don't know what position Douglas Brawnsjill holds in the Union Mutual Insurance Company, but I do recognize that he is a trustworthy — I don't want to say president, but I feel his title ranks somewhere near the top of the pile in the Union Mutual

Insurance Company — and the amendment that is offered to this bill is his amendment. I have no qualms with that. His amendment calls that the savings bank life insurance will be done under Chapter 24-A, just as any insurance policy is sold within the state, and I find nothing wrong with that.

So I urge you to vote against the motion of indefinite postponement and give this bill a fair chance and give the public a fair chance.

Mr. Fraser of Mexico was granted permission to speak a third time.

Mr. FRASER: Mr. Speaker, Members of the House: I did mention the fact that I expected people to be qualified to sell it. I also understood that they would have to study their business and be licensed. But I also said that those same people with that kind of training would not work for a clerk's salary. They would have to be paid according to the ability that they have, and that would of course, reduce the difference between the five and six percent that I was talking about and what was supposed to be low cost.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Gauthier.

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: When Mr. O'Brien got up and spoke to give his remarks he mentioned he thought the House members were confused on this here the way they spoke. I would like to answer Mr. O'Brien by saying that I feel even the members who voted on his committee on this bill were confused.

Mr. Norris of Brewer moved the previous question.

The SPEAKER: For the Chair to entertain a motion for the previous question, it must have the consent of one third of the members present and voting. All those in favor of the Chair entertaining the motion for the previous question will vote yes; those opposed will vote no.

Obviously more than one third of the members present having voted for the previous question, the

motion for the previous question was entertained.

The SPEAKER: The question now before the House is, shall the main question be put now? This question is debatable with a time limit of five minutes by any one member. All those in favor of the main question being put now will vote yes; those opposed will vote no.

Obviously more than one third of the members present having voted for the previous question, the motion for the previous question was entertained.

The SPEAKER: The question now before the House is, shall the main question be put now? This question is debatable with a time limit of five minutes by any one member.

A vote of the House was taken.

91 having voted in the affirmative and 14 having voted in the negative, the main question was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Parsonsfield, Mr. Pratt, that Bill "An Act Relating to Savings Bank Life Insurance," House Paper 1117, L. D. 1453, and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

66 having voted in the affirmative and 61 having voted in the negative, the motion did prevail.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. O'Brien.

Mr. O'BRIEN: Mr. Speaker, I ask for a roll call.

The SPEAKER: The gentleman may move to reconsider our action if the gentleman was on the prevailing side.

Mr. O'BRIEN: I am not asking for reconsideration, I am asking for a roll call, Mr. Speaker. I did not—I have the right to have my vote recorded.

The SPEAKER: The Chair would inform the gentleman that the vote has been announced, 66 having voted in the affirmative and 61 in the negative, the motion to indefinitely postpone did prevail.

The SPEAKER: For what purpose does the gentleman arise?

Mr. GOODWIN: Having voted on the prevailing side, I would like to move for reconsideration.

The SPEAKER: The gentleman from South Berwick, having voted on the prevailing side, moves that the House reconsider its action—would the gentleman restate his motion, please? The gentleman from South Berwick, Mr. Goodwin, please restate your motion.

Mr. GOODWIN: Having voted on the affirmative side, I would like to ask for reconsideration.

The SPEAKER: The gentleman from South Berwick, Mr. Goodwin, having voted on the prevailing side, moves the House reconsider its action whereby it indefinitely postponed this bill.

The Chair recognizes the gentleman from Standish, Mr. Simpson.

Mr. SIMPSON: May I approach the rostrum.

The SPEAKER: The gentleman may and the gentleman from Eagle Lake.

(Off Record Remarks)

The SPEAKER: The pending question is on the motion of the gentleman from South Berwick, Mr. Goodwin, that the House reconsider its action whereby it indefinitely postponed this bill. That motion is debatable and a roll call may be requested or anything of that nature.

The Chair recognizes the gentleman from Standish, Mr. Simpson.

Mr. SIMPSON: Mr. Speaker, I would ask a division on the reconsideration motion.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. O'Brien.

Mr. O'BRIEN: Mr. Speaker, I would ask for a roll call and am I allowed to speak to my motion?

The SPEAKER: The motion is the motion of the gentleman from South Berwick but you may debate that motion.

Mr. O'BRIEN: I ask for a roll call, Mr. Speaker, and I will debate the motion. I think this bill has a lot more merit than to see it die in this fashion.

Mr. Speaker, a parliamentary inquiry. The question has been

moved. Someone just has called my attention to that. Does that close debate or am I debating the reconsideration?

The SPEAKER: You are debating reconsideration. The Chair rules this session that a previous question motion applies only to the then pending question and that you may debate a further motion on the same bill subsequently.

Mr. O'BRIEN: Thank you, Mr. Speaker. I think the bill has a lot more merit than to die here this way. So I ask you to reconsider your vote and vote yes. Keep this bill alive. The vote was very very close. I would like to see this bill at least stay alive so the debate may continue.

During the debate many areas of concern were brought out and there is a great deal of confusion even among the insurance experts on the floor of the House here. They realize that there is some merit to this bill, especially with the committee amendment of Mr. Douglas Brawnsjill. So I urge you to vote yes for reconsideration and please keep the bill alive.

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Mills.

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I have been very interested in listening to the debate here, but there seems to be a point that was missing. The person who has a lot of wealth doesn't go to a savings bank to buy his insurance. The ones who will be buying it there are the workingmen, and that is very important.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: I want to get something clear in my mind. Mr. Trask, I believe, moved to accept the "ought not to pass" report. Someone, I believe, made a motion for a roll call, is that correct?

The SPEAKER: A roll call was asked for on the previous motion, but not on the one that was then pending. The pending motion which is debatable by you or any other

member of the House is the motion of the gentleman from South Berwick, Mr. Goodwin, to reconsider whereby we indefinitely postponed this bill. Would you limit your debate to that subject, please.

Mr. JALBERT: If I may go back, Mr. Speaker.

The SPEAKER: Would you confine it to the reconsideration motion.

Mr. JALBERT: I will not confine it to that, Mr. Speaker, because the motion was made, the original motion was made to accept the "ought not to pass" report, then a roll call was asked for. Then the previous question was asked for and entertained. That goes back to the roll call, in my opinion. If I am wrong, so be it, but I think that we should still take the vote on the roll call, on the original motion of accepting the "ought not to pass" report.

The SPEAKER: The pending question is on the motion of the gentleman from South Berwick, Mr. Goodwin, that we reconsider our action. A roll call was requested on this question by the gentleman from Portland, Mr. O'Brien. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call, was ordered.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. O'Brien.

Mr. O'BRIEN: Mr. Speaker and Members of the House: Just for a point of clarification. To keep this bill alive, I ask you to vote yes.

The SPEAKER: The pending question is on the motion of the gentleman from South Berwick, Mr. Goodwin, that the House reconsider its action whereby it indefinitely postponed L. D. 1453. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Berry, P. P.; Berube, Boudreau, Briggs, Bustin, Carey, Chonko, Clark, Conley, Connolly, Cote, Crommett, Curtis, T. S., Jr.; Deshaies, Drigotas, Dunleavy, Emery, D. F.; Farnham, Faucher, Fecteau, Ferris, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Hobbins, Jacques, Kelleher, Kilroy, Knight, LaPointe, Lawry, Maxwell, M c K e r n a n, McMahon, McTeague, Mills, Morin, L.; Mulkern, Murray, Najarian, Norris, O'Brien, Perkins, Peterson, Rolde, Rollins, Ross, S a n t o r o, Shaw, Sheltra, Smith, D. M.; Smith, S.; Strout, Susi, Talbot, Wheeler, Willard, Wood, M. E.

NAY — Baker, Berry, G. W.; Binnette, Birt, Bither, Bragdon, Brawn, Brown, Carrier, Carter, Chick, Churchill, Cooney, Cottrell, Cressy, Curran, Dam, Davis, Dow, Dudley, Dunn, Dyar, Evans, Farley, Farrington, F i n e m o r e, Flynn, Fraser, Garsoe, Gauthier, Good, Hamblen, Haskell, Henley, Hoffses, Huber, Hunter, Immonen, Jackson, Jalbert, Kauffman, Kelley, Kelley, R. P.; Keyte, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Maddox, M a h a n y, McCormick, McHenry, McNally, Merrill, Morin, V.; Palmer, Parks, Pratt, Ricker, Shute, Silverman, Simpson, L. E.; Soulas, Sproul, Stillings, Tanguay, T h e r i a u l t, Trask, Walker, White, Whitzell, The Speaker.

ABSENT — Ault, B u n k e r, Cameron, Donaghy, Gahagan, Herrick, LaCharite, Lynch, Martin, Morton, Murchison, Pontbriand, Trumbull.

Yes, 64; No, 73; Absent, 13.

The **SPEAKER**: Sixty-four having voted in the affirmative and seventy-three in the negative, with thirteen being absent, the motion to reconsider does not prevail.

Sent up for concurrence.

The **SPEAKER**: Will the Sergeant - at - Arms kindly escort the gentleman from Eagle Lake, Mr. Martin, to the rostrum.

Thereupon, Mr. Martin assumed the Chair as Speaker pro tem and

Speaker Hewes retired from the Hall.

Divided Report

Majority Report of the Committee on Election Laws on Bill "An Act Relating to Notification of Certain Applicants for Voter Registration" (H. P. 445) (L. D. 594) reporting "Ought not to pass".

Report was signed by the following members:

Messrs. SHUTE of Franklin
JOLY of Kennebec
CIANCHETTE

of Somerset

— of the Senate.

Messrs. KAUFFMAN of Kittery
WILLARD of Bethel
BINNETTE of Old Town
HOFFSES of Camden
DUDLEY of Enfield

Mrs. KELLEY of Machias

— of the House.

Minority Report of the same Committee on same Bill reporting "Ought to pass"

Report was signed by the following members:

Messrs. ROSS of Bath
HANCOCK of Casco
TALBOT of Portland

Mrs. BOUDREAU of Portland

— of the House.

Reports were read.

The **SPEAKER** pro tem: The Chair recognizes the gentleman from Camden, Mr. Hoffses.

Mr. **HOFFSES**: Mr. Speaker, I move we accept the Majority "Ought not to pass" Report.

The **SPEAKER** pro tem: The gentleman from Camden, Mr. Hoffses, moves the House accept the Majority "Ought not to pass" Report.

The Chair recognizes the gentleman from Portland, Mr. Talbot.

Mr. **TALBOT**: Mr. Speaker and Members of the House: As a signer of the minority "ought to pass" report, I would hope that you would reject the gentleman's motion to vote for the "ought not to pass" report. I just think that this piece of legislation is somehow, some way, a good piece of legislation. It insures the voter, who has registered with a justice of the peace or notary public, that he

has in his possession that right to go and vote at voting time.

It is my impression that whether we go to the cleaners or the laundry or the grocery store or the gas station or whatever, that we get a slip of paper saying that we have done this, we have a slip of paper to prove to us that we have the bill of goods. And this is all this bill does, is prove to us that we do have a bill of goods. And how many people do we know that have gone to the polls and become disenfranchise when they found out that although they have registered or enrolled to vote, when it comes time to actually cast their vote they have found that they can't. Then they have to go through the rigmarole of either registering or enrolling all over again.

So I would hope that you would go against the motion to accept the majority "ought not to pass" report and accept the minority "ought to pass" report.

The SPEAKER pro tem: The Chair recognizes the gentleman from Old Town, Mr Binnette.

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: As a member of this committee, we heard the arguments presented by my good friend from Portland, and in regard to the statement made that we have to have a receipt when we have some of our cleaning done, that is a good idea because we would lose our clothes, probably lose our shirts and everything. But in this case here, if someone doesn't make out the card properly, as they should, these people who are registering other voters don't know their business. Therefore, if they are not on the voting list, it is rather unfortunate.

I really believe it would throw a tremendous pile of work on our board of registration because there are a lot of boards that receive a large number of cards just a day before they close their boards. It would be almost impossible for them to mail out to every prospective voter a notification saying that he or she is on the voting list. Therefore, I believe in order to save work, expense to the

board of registration, we should accept this "ought not to pass" report. Therefore, I move for a division.

The SPEAKER pro tem: The Chair recognizes the gentleman from Bethel, Mr. Willard.

Mr. WILLARD: Mr. Speaker and Members of the House: I will go along with Mr. Binnette, as I signed this "ought not to pass" report. I don't think it is necessary that everybody should be notified.

The SPEAKER pro tem: The Chair recognizes the gentleman from Portland, Mr. Talbot.

Mr. TALBOT: Mr. Speaker, Members of the House: I agree with the gentleman from Old Town, Mr. Binnette, that the JP's and notary publics don't always do the right type of job which they are entrusted to do. I therefore say that the right to vote is probably our most precious right, and I think it should be guaranteed; and I think it should be protected to the utmost. We have that chance right now to do that.

I still would hope that you would at least give the voter that chance and that right to hold onto what he considers his precious right because whatever happens — whatever happens, his right to vote is precious; because everything revolves around that, the schools that his children attend, the social climate where he lives, what studies his children take. It all revolves around his being able and his right to vote.

So I would again hope that you would disregard and vote against the majority motion which is "ought not to pass" and accept the minority "ought to pass" report.

The SPEAKER pro tem: The Chair recognizes the gentleman from Camden, Mr. Hoffses.

Mr. HOFFSES: Mr. Speaker, Ladies and Gentlemen of the House: I have no qualms about the good intentions of the gentleman from Portland, Mr. Talbot. I do believe that it should be well guarded, the individual's right to vote. But if you will look this bill over carefully, and also considering other pending legislation, if a person is not on the voting list and basically should not be permitted

to vote, he can register and enroll the day that he appears at the polling place.

Now, the gentleman from Old Town, Mr. Binnette, has pointed out boards of voter registration and the registrars in the smaller communities would be burdened with an impossible amount of work to do when they received these applications for registration to notify these recipients.

I would also point out to you that the language here says, "the registrar shall notify by mail." Now, if you are going to notify a person by mail, what assurance, what guarantee do we have that that mail is going to definitely reach the individual. If it is on a postcard, it can be easily lost. If it is on a letter it could likewise be lost. The only sure way would be a registered letter to notify this individual, and there you get involved in a fantastic amount of money for the municipalities to send out registered mail. So I would hope that you would vote for the majority "ought not to pass" report.

The SPEAKER pro tem: The Chair recognizes the gentleman from Gardiner, Mr. Whitzell.

Mr. WHITZELL: Mr. Speaker, Members of the House: Not being an expert on the election laws and not having the election laws before me, there are a few things that I do remember from the two elections that I did take part in. One of them is the gentleman from Old Town, Mr. Binnette, said that the registrar couldn't possibly get out the notifications to the voter because some JP probably came in and dropped off all the cards on the last day. Well, the last day of registration, any town over 2,500 is five business days before the election. Therefore, the registrar, by addressing a preprinted six-cent postcard, and hopefully, with the mail as good as it is today, that postcard would be in the new voter's hand within two days, which would give them three more days in which to argue with the registrar of voters if they wanted to.

I don't think that notification of voters, that their name has been placed on the voting list is a bad

move. As a matter of fact, it is probably a right move. It will certainly assure them that they can be at least reassured in their own mind that they have been placed on the list. So a six-cent postcard — this is not an unusual practice since voter registrars now, if someone marries in a community or leaves a community, they send a postcard out to tell them that their name has been dropped from the list. In the case of someone who is married, they have to come in and re-register to vote under their new name. So it isn't an unreasonable request. It costs six cents for the postcard.

Registrars of voters usually have at least three members on the boards, and I have been around the voter registrars in my communities several times; and they seem to have ample time to prepare that new voting list, and I don't think there are many communities my size that have over a thousand new registrations to process in one election. If we could do it in my community, I am sure we could do it in the other communities. It is no unusual hardship.

The question is will the voter be — that the voter know that his name will or won't appear on the list and I think that is only common courtesy.

The SPEAKER pro tem: The Chair recognizes the gentleman from Oakland, Mr. Brawn.

Mr. BRAUN: Mr. Speaker, Ladies and Gentlemen of the House: I know there is many people here that have gone out and got absentee ballots. I know that many people have come to different people to register and enroll. Ninety percent of the people that come to the JP's and the notary publics are from their own party. I will guarantee that they get them in just as quick as they can because this is the purpose. The other ones don't, they go to the registrar themselves that have no axe to grind. So I think that you are going to find this is going to be done.

I know in the small community I come from that has got over 2,100 registered voters, this would be a terrible amount of work to place upon our registrars and I

think we would have hard work of finding registrars.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Machias, Mrs. Kelley.

Mrs. KELLEY: Mr. Speaker and Members of the House: Having been a town clerk, I can understand the work that would be involved if this bill should pass. I was also registrar of voters; and at the last minute if somebody came in with a whole handful of these enrollment cards and you had to hurriedly acknowledge them to the people, you would be in rather a mess; and I sincerely hope this bill does not pass.

The SPEAKER pro tem: The pending question is on the motion of the gentleman from Camden, Mr. Hoffses, that the House accept the Majority "Ought not to pass" Report on L. D. 594. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

82 having voted in the affirmative and 14 having voted in the negative, the motion does prevail.

Sent up for concurrence.

Divided Report

Majority Report of the Committee on Legal Affairs on Bill "An Act Authorizing Beano or Bingo on Sunday at Agricultural Fair Association" (H. P. 1213) (L. D. 1564) reporting "Ought to pass".

Report was signed by the following members:

Messrs. JOLY of Kennebec
ROBERTS of York
ALDRICH of Oxford
—of the Senate.

Messrs. CAREY of Waterville
FECTEAU of Biddeford
BRAWN of Oakland
SHAW of Chelsea
COTE of Lewiston
CONNOLLY of Portland
FAUCHER of Solon
—of the House.

Minority Report of the Same Committee on same Bill reporting "Ought not to pass".

Report was signed by the following members:

Messrs. DUDLEY of Enfield
SHUTE
of Stockton Springs
EMERY of Rockland
—of the House

Reports were read.

On motion of Mr. Shaw of Chelsea, the Majority "Ought to pass" Report was accepted, the Bill read once and assigned for second reading the next legislative day.

Divided Report Tabled and Assigned

Majority Report of the Committee on State Government on Resolution Proposing an Amendment to the Constitution Repealing the Limitation to Highway Purposes for Revenues Derived from Taxation of Vehicles Used on Public Highways and Fuels used by Such Vehicles (H. P. 1351) (L. D. 1783) reporting "Ought not to pass".

Report was signed by the following members:

Messrs. SPEERS of Kennebec
WYMAN of Washington
—of the Senate.
Messrs. FARNHAM of Hampden
CURTIS of Orono
COONEY of Sabattus
CROMMETT

of Millinocket
SILVERMAN of Calais
GAHAGAN of Caribou
STILLINGS of Berwick

—of the House.

Minority Report of the same Committee on same Bill reporting "ought to pass"

Report was signed by the following members:

Mr. CLIFFORD
of Androscoggin
—of the Senate.

Mr. BUSTIN of Augusta
Mrs. NAJARIAN of Portland
GOODWIN of Bath

—of the House.

Reports were read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Orono, Mr. Curtis.

Mr. CURTIS: Mr. Speaker, I move acceptance of the Majority "Ought not to pass" Report.

On motion of Mr. Simpson of Standish, tabled pending acceptance of the Majority "Ought not to pass" Report and tomorrow assigned.

Divided Report

Majority Report of the Committee on Education on Bill "An Act Relating to State Aid for

School Construction" (H. P. 1370) (L. D. 1827) reporting "Ought to pass"

Report was signed by the following members:

Messrs. KATZ of Kennebec
MINKOWSKY

of Androscoggin
— of the Senate.

Messrs. TYNDALE
of Kennebunkport

BITHER of Houlton
LYNCH

of Livermore Falls
FERRIS of Waterville
LaCHARITE

of Brunswick
Mrs. LEWIS of Auburn
— of the House.

Minority Report of the same
Committee on same Bill reporting
"Ought not to pass".

Report was signed by the following members:

Mr. OLFENE of Androscoggin
— of the Senate.

Messrs. MURRAY of Bangor
LAWRY of Fairfield
LeBLANC of Van Buren
— of the House.

Reports were read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Waterville, Mr. Ferris.

Mr. FERRIS: Mr. Speaker, I move acceptance of the Majority "Ought to pass" Report.

The SPEAKER pro tem: The gentleman from Waterville, Mr. Ferris, moves acceptance of the Majority "Ought to pass" Report.

The Chair recognizes the gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker, point of information, please. I would like to ask Mr. Ferris or someone else on the Education Committee how much this is going to cost. It isn't indicated in the bill. I realize it is against a bond issue, but still, it is using up state money.

The SPEAKER pro tem: The gentleman from Lubec, Mr. Donaghy, poses a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Waterville, Mr. Ferris.

Mr. FERRIS: Mr. Speaker and Ladies and Gentlemen of the House: In answer to Mr. Donaghy's question, this bill calls

for the state to expend \$424,000 over a period of 18 years to pick up the excess of bond issues which cost more than 6 percent between the period of 1969 and 1971 when the bond market was a little bit high.

It causes no great hardship, and it certainly will help out the 14 cities and school districts mentioned in the bill. It is not a long bill; if you would turn to that bill, it is easily explained.

The SPEAKER pro tem: The Chair recognizes the gentleman from Houlton, Mr. Bither.

Mr. BITHER: Mr. Speaker, Members of the House: I don't like that figure of 424,000 one little bit. This does provide for, I believe, 13 different towns that were forced during a certain period to build when extra high interest rates were involved. Now, I believe they funded the projects from year to year for a certain length of time, and then the legislature came along and required that they must complete the funding right then and there. So they were stuck with a high rate of interest, a very exceptionally high rate of interest, and this is to help take care of that.

This does not cost very much money. This costs approximately \$20,000 to 18 different projects in 13 different towns. I might say I think it was the 105th that did make some adjustments on construction. We sent back on a few dates and helped a lot of towns; and this, I think, is just to correct an injustice. These people were caught in a bind, and the legislature helped make that by requiring that they fund immediately and not let it go from year to year as they were doing. I think this is only a just and fair bill.

The amounts of money ranges from a few thousand dollars a year down to I think the smallest figure is three hundred some dollars to one of these projects. I think this is a good bill and should pass.

The SPEAKER pro tem: The Chair recognizes the gentleman from Van Buren, Mr. LeBlanc.

Mr. LeBLANC: Mr. Speaker, Ladies and Gentlemen of the House: Having signed the "ought

not to pass" report, I would like to point out at this time that L. D. 1827 carries a price tag of \$442,000 over a period of about 15 years to help out, as the bill states, five schools and nine administrative districts.

I would point out that the above schools and districts knew how much in interest they were going to pay on this loan when it was instituted, and therefore, should not ask the rest of the taxpayers of this state to pay the difference in interest between 6 percent and what they have contracted for. I hope you will not support the motion of the bill, "ought to pass."

The SPEAKER pro tem: The Chair recognizes the gentleman from Berwick, Mr. Stillings.

Mr. STILLINGS: Mr. Speaker and Ladies and Gentlemen of the House: I think that the gentleman from Van Buren, Mr. LeBlanc, has missed the point here. The only reason these school units, school districts, municipalities are in this bind is because the legislature imposed a two-year limit on the issuance of temporary bonds and that time period ran out. So they had to issue the bonds at the high interest rate, and you will note if you have looked at the L. D. that the interest rates range all the way from 6.15 to 7½ percent. There are 14 units involved, 16 bond issues. The cost is \$424,000 but that is spread over an 18-year period. It is not \$424,000 a year. It is \$424,000 over an 18-year period to be taken out of the construction funds.

The SPEAKER pro tem: The Chair recognizes the gentleman from Chelsea, Mr. Shaw.

Mr. SHAW: Mr. Speaker, Ladies and Gentlemen of the House: It seems to me that it is coming out of this bond issue we voted on a couple of years ago through here, and I think that bond issue is going to be short this year. We are going to have to come up with more money, and I don't know what we are going to do about reserving some of this bond issue over 18 years.

The SPEAKER pro tem: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, Members of the House: The bond issue that we are talking about now, as the gentleman from Chelsea mentioned, was a \$50 million bond issue for new construction which would stop the double interest and save millions of dollars. The bond issue is bled now to a point where there is another bill that is coming forth with with a \$25 million price tag on it. We have allowed all sorts of constructions to come into it, and that is the result of the situation.

However, in this particular instance here, it is unfortunate that we couldn't just pay the \$424,000 out of surplus and have it over with. But apparently, from contracts we have made, we just cannot do it.

The comments as made by the gentleman from Berwick, Mr. Stillings, are correct. This is \$424,000, but it is spread over a period of 18 years for some 20 odd areas.

The SPEAKER pro tem: The pending question is on the motion of the gentleman from Waterville, Mr. Ferris, that the House accept the Majority "Ought to pass" Report on L. D. 1827. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

75 having voted in the affirmative and 17 having voted in the negative, the motion does prevail.

Thereupon, the Bill was read once and assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Education on Bill "An Act Relating to Certification of Teachers in Private Preschool Programs" (H. P. 1400) (L. D. 1842) reporting "Ought not to pass".

Report was signed by the following members:

Messrs. OLFENE of Androscoggin
MINKOWSKY

of Androscoggin
— of the Senate.

Messrs. LYNCH
of Livermore Falls

LAWRY of Fairfield
LeBLANC of Van Buren
BITHER of Houlton
TYNDALE

of Kennebunkport
LaCHARITE of Brunswick
Mrs. LEWIS of Auburn

— of the House.

Minority report of the same
Committee on same Bill reporting
“Ought to pass”

Report was signed by the
following members:

Mr. KATZ of Kennebec
— of the Senate.
Messrs. FERRIS of Waterville
MURRAY of Bangor
— of the House.

Reports were read.

On motion of Mr. Tyndale of
Kennebunkport, the Majority
“Ought not to pass” Report was
accepted and sent up for concur-
rence.

Consent Calendar

First Day

(S. P. 290) (L. D. 837) Bill “An
Act Repealing Certain Definition of
Timber and Grass Relating to the
Public Lots” — Committee on
Public Lands reporting “Ought to
pass”

(S. P. 326) (L. D. 1030) Bill “An
Act Relating to the Certification
of State Employees’ Compensation” — Committee on State
Government reporting “Ought to
pass”

(H. P. 652) (L. D. 915) Bill “An
Act Revising the Laws Relating to
Oil Burner Men’s Licensing” —
Committee on Legal Affairs
reporting “Ought to pass” as
amended by Committee Amend-
ment “A” (H-344)

(H. P. 765) (L. D. 998) Bill “An
Act Classifying Certain Inland
Waters of Saco River Basin” —
Committee on Natural Resources
reporting “Ought to pass”

(H. P. 1173) (L. D. 1510) Bill
“An Act Relating to Compensation
and Specific Periods for Injuries
under Workmen’s Compensation
Act” — Committee on Labor
reporting “Ought to pass” as
amended by Committee Amend-
ment “A” (H-346).

No objection having been noted,
were assigned to the Consent
Calendar’s Second Day list.

(H. P. 1234) (L. D. 1609) Bill
“An Act Regulating Mass
Marketing of Casualty and
Property Insurance” — Committee
on Business Legislation reporting
“Ought to pass” in new draft (H.
P. 1489) (L. D. 1913)

On the request of Mr. McTeague
of Brunswick, was removed from
the Consent Calendar.

The SPEAKER: The Chair
recognizes the gentleman from
Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker,
Members of the House: Subsequent
to the committee hearing on this
bill, I had opportunity to have
access to the entire transcript of
the hearing before the insurance
commission on this matter. I took
the time, a day or two, to look
into the matter because I know
how important it is to every person
in the state of Maine who buys
any casualty or property insurance.
It is important to all of us indivi-
dually but more importantly, it is
crucial to the consumers in Maine
who we represent.

I would like to go through page
by page of the bill, L. D. 1913,
that was distributed to you today.
It is a new draft from the commit-
tee to give you a little background
and raise certain questions which
I hope can be answered in a
satisfactory way.

First of all, our law, our in-
surance law, had appeared to pro-
hibit giving the consumer the op-
portunity to have lower prices on
casualty insurance, principally
homeowners’, fire insurance and
automobile insurance. It required
even though you were part of a
group or a mass merchandising
scheme, that you could not get a
price break on it.

Now, there are companies operat-
ing in Maine right now that are
selling these types of insurance for
15 or 20 percent or more off what
you pay when you buy the policy
individually. It is the old idea if
consumers get together and make
a joint purchase, if you will, that
they can get a lot more bang for
their buck than they do if they
buy the policies individually.

This legislature has been called
by some the “consumer legisla-
ture.” I think it is and hope it is,

but I suspect that this bill will be one of the crucial tests as to whether or not we are worthy of that name.

There was recently a filing made with the insurance commissioner to allow mass merchandising of insurance. That means, for example, if you were a member of the Maine State Employees' Association that you could buy, if you wanted to, your homeowners' and fire insurance or your automobile insurance through that association at a significant savings in cost. The case actually came up before the commissioner involving the employees of the Union Mutual Insurance Company. Union Mutual had an arrangement whereby their employees could — but I stress did not have to — buy their automobile insurance on a mass merchandising basis at a significant savings. Some of the employees at Union Mutual took advantage of this savings. Other employees perhaps did not want to be bothered or they desired the service of an agent and were willing to pay additional for that service.

In any case, certain industry associations challenged this arrangement before the commissioner of insurance. The commissioner of insurance ruled that mass merchandising for the protection of the consumer was permissible in Maine. These trade associations then appealed the insurance commissioner's decision to the courts where the case was heard before Justice Webber of our Supreme Judicial Court. Justice Webber rendered a decision saying, "Yes there can be mass merchandising. The consumer can make this savings."

These trade associations then appealed Justice Webber's decision to the full Maine Supreme Court. In the meantime, this legislature had convened; and for reasons sufficient to those trade associations, they withdrew the appeal. So the law of the State of Maine as it now stands is that the consumer can get a break by participating in mass merchandising on these forms of insurance.

Then we had a bill presented and we have as the result the

redraft out of the committee. And it is called An Act to Regulate Mass Merchandising of Insurance. Now, there is certainly probably in any new field a need for some reasonable regulation from a consumer point of view, not from the point of view of protecting any industry. But what I fear we may have here — I say may because I am ready to be convinced in the opposite direction if someone has the information — is that under the guise of reasonable regulation by legislation, certain interests may be trying to take from the consumer the 15 to 20 percent savings that he will receive from mass merchandising under the rule laid down by our courts and insurance commission.

I would like to now go through the particular portions of the bill. For example, on page 2 of the bill, item 2916 "tie-in sales prohibited." It all sounds quite reasonable and consumer oriented, but I would raise the question, would this prohibit mass merchandising of insurance through the consumer credit unions of Maine. Many of the credit unions are interested in serving their people in this way. But as you know, the credit unions often have a requirement of membership that you deposit say \$5 or something like that before you can belong to the credit union. Would this stop the credit unions from helping the consumer in this way?

What about the labor unions in the State of Maine? Many of the labor unions have a requirement that you have to pay dues to belong to the union. Would the fact that you have to pay dues to belong to the union stop a union — say the papermakers in the State of Maine — from allowing their members to have the savings of mass merchandising. The language looks kind of ambiguous to me, and I think it is quite uncertain.

Then there is the real killer, from what I see in the bill on page 3 at 2918. It is called "availability" and again it is phrased in terms of "Let's have everyone have a chance to do it." It says that anyone should be able to purchase automobile insurance through one

of the mass merchandising plans if the person has a driver's license. Let's take the case of an organization in the City of Bath. Bath Iron Works now I hope has some 2,500 employees, and we hope it will be up higher than that again. What a wonderful deal for the people in Bath and the surrounding area if the iron works could arrange for mass merchandising of homeowners and automobile insurance. But I am certain, even in a wonderful shop like the B.I.W., that there are few drivers, even though they have their licenses, that should not have their license. They are so extremely dangerous that if they are included in the plan, the rates will go up and the savings to the consumer will go down. Again, I ask the question if section 2918, using the language of consumerism in an attempt to kill indirectly in this legislation what certain interests in the insurance industry tried before the insurance commission and the courts to kill and they could not win the battle there. So perhaps they are trying to put one over on us. You folks will have to judge that.

Let's look down on the same page at section 2920. It says, "This chapter shall be applicable only to insurance policies issued or renewed in this state after November 1st, 1973." Fair enough. "And in addition to and not in substitution of other applicable requirements, the Maine Insurance Code and Departmental Regulations." These same groups were contending that the Maine Insurance Code banned mass merchandising. Does this language mean that the commissioner could unduly regulate it.

You know there is an old tactic that the folks who have been around here, as my friend from Lewiston says, many semesters used sometimes. And it goes like this: If an idea is so good that the sense of honor and intelligence and the morality of this House and the other body is certain to accept it, and you cannot fight them in the open, you appear to join them. But you leave a few little tricky things in there that seem to make —

call it regulation, but in reality from a practical point of view, it is prohibition.

Now, I do not have any letters to show to the House, but I can tell them that I have been in contact with two insurance companies that are currently engaging in mass merchandising in the State of Maine with that savings to the consumer that is built into it; and both of them have told me that under the language of this bill, they do not think they can operate. It is interesting, Mr. Speaker and members of the House, to note that this bill was not put in last session, it was put in in response to a consumer oriented decision of the insurance commission in court. Is it truly a consumer bill?

We are talking about huge amounts of money here, perhaps 15 to 20 percent of the premium paid by each of us, each person or each family in this State of Maine, on automobile insurance. I do not know what you pay on automobile insurance. I have two cars, thank God, and pay about \$200 a year. If I can save 20 percent, that would be about \$40. I pay a little over \$100 a year for the insurance on my home. A savings of 15 to 20 percent would be \$15 and \$20.

We are dealing with very large economic interests here. Consider the motivations of all the people involved and whether they are truly consumer oriented. Consider the history of opposition to mass merchandising and now we have, with all due respect to the committee involved, a unanimous committee report.

Mr. Speaker, I do not intend at this time — because I have attempted to raise questions rather than answer them — intend to ask you to indefinitely postpone this bill; but unless in the next day or two these questions can be answered, I would hope that someone else in the next day or two would make that motion.

The SPEAKER pro tem: The Chair recognizes the gentleman from Portland, Mr. O'Brien.

Mr. O'BRIEN: Mr. Speaker and Members of the House: I have no intention of making that motion. I just want to call your attention

to the fact that this is somewhat exactly what I was debating a little while ago. This is the mass merchandising of property or liability insurance. This mass merchandising concept has been fought by the insurance agencies and organizations for the past eight years that I know of.

I admit that the bill is not a perfect bill and I admit that Mr. McTeague has raised some very very interesting points. Perhaps somebody along the way will table this and want to give it a little more study. But I did want to call to your attention that this is just the exact opposite of what you have just taken care of a few moments ago. This is an attempt to bring nickels and dimes, not dollars and cents, nickels and dimes back to the premium paying public.

I have one problem with the bill. I don't think the bill should necessarily have individual underwriting for each individual person within that group, but that is just a problem I have. But I just couldn't let the opportunity go by without calling to the members of this House that suddenly we are going to talk about the consumer because now the insurance companies want to talk about the consumer.

Thereupon, the Report was accepted, the Bill read once and assigned for second reading tomorrow.

(H. P. 1270) (L. D. 1645) Bill "An Act Prohibiting the Acceptance of Money for Enrollment of Voters" — Committee on Election Laws reporting "Ought to pass" as amended by Committee Amendment "A" (H-345)

(H. P. 589) (L. D. 780) Bill "An Act Recognizing the College Status of the Glen Cove Bible School and Relating to Conferring Degrees" — Committee on Education reporting "Ought to pass"

No objection having been noted, were assigned to the Consent Calendar's Second Day list.

Consent Calendar Second Day

(S. P. 448) (L. D. 1415) (C. "A" S-103) Bill "An Act Relating to Liability of Distributing Utility for

Death or Injury to Person or Damage to Property Caused by Natural Gas"

On the request of Mr. Emery of Rockland, was removed from the Consent Calendar.

Thereupon, the Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-103) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

(S. P. 521) (L. D. 1652) Bill "An Act Relating to Name of Maine Citizens Concerned for Life"

(H. P. 335) (L. D. 453) Bill "An Act Relating to Interstate Parole and Probation Hearing Procedures"

(H. P. 752) (L. D. 1199) Bill "An Act to Make Uniform the Law of Partnerships"

(H. P. 844) (L. D. 1118) (C. "A" H-336) Bill "An Act Relating to Membership on the State Board of Barbers"

(H. P. 1091) (L. D. 1423) (C. "A" H-338) Bill "An Act Limiting Positions of Trust for Prisoners in Jails to Those Prisoners Sentenced to that Particular Jail"

(H. P. 1153) (L. D. 1486) Bill "An Act Relating to Venue in Personal and Transitory Actions"

(H. P. 1178) (L. D. 1517) (C. "A" H-337) Bill "An Act to Create a Commission to Name Public Buildings, Bridges, Highways and Other Public Works"

No objection having been noted, were passed to be engrossed and sent to the Senate.

At this point, Speaker Hewes returned to the rostrum.

SPEAKER HEWES: The Chair thanks the gentleman and commends him for a fine job.

Thereupon, Mr. Martin of Eagle Lake returned to his seat on the floor, amid the applause of the House, and Speaker Hewes resumed the Chair.

Passed to Be Engrossed

Bill "An Act to Amend the Uniform Limited Partnership Act" (S. P. 607) (L. D. 1905)

Bill "An Act Relating to Application of Releases from Injured

Persons Confined to Hospitals to Workmen's Compensation" (S. P. 608) (L. D. 1906)

Bill "An Act Relating to the State Valuation of the Town of North Berwick" (H. P. 1259) (L. D. 1634) (C. "A" H-334)

Resolve Providing a Minimum Service Retirement Allowance under the State Retirement Law for Barbara Goodwin (H. P. 1225) (L. D. 1600) (C. "A" H-335)

Bill "An Act Creating the Office of State Fire Marshal" (H. P. 1483) (L. D. 1910)

Bill "An Act Relating to Consolidating Reports of State Departments and Agencies" (H. P. 1484) (L. D. 1911)

Bill "An Act Extending the Period of Entitlement to Compensation for Partial Incapacity under the Workmen's Compensation Law in Certain Cases" (H. P. 616) (L. D. 814)

Were reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed and sent to the Senate.

Second Reader Later Today Assigned

Bill "An Act Relating to Notification to Injured Employees of Rights under Workmen's Compensation Law" (H. P. 1243) (L. D. 1614)

Was reported by the Committee on Bills in the Second Reading and read the second time.

(On motion of Mr. McTeague of Brunswick, tabled pending passage to be engrossed and later today assigned.)

Second Reader Tabled and Assigned

Bill "An Act to Provide for Use of the Courts by Poor Persons" (H. P. 771) (L. D. 1005)

Was reported by the Committee on Bills in the Second Reading and read the second time.

(On motion of Mr. Dudley of Enfield, tabled pending passage to be engrossed and tomorrow assigned.)

Bill "An Act Relating to Definition of Agricultural Labor in the Employment Security Law" (H. P. 823) (L. D. 1086)

Was reported by the Committee on Bills in the Second Reading and read the second time.

Mrs. Berry of Madison offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-348) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" and sent to the Senate.

Bill "An Act Relating to Temporary Restraining Order and Cost of Litigation by the Attorney General under Unfair Trade Practices Act" (H. P. 770) (L. D. 1004)

Was reported by the Committee on Bills in the Second Reading and read the second time.

Mr. Farrington of China offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-347) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: The amendment that has been offered to you is one in which it would provide, I believe, although I am not sure as I read it, that in a case where the state brought an action under the Unfair Trade Practices Act and was unsuccessful in obtaining a permanent injunction, that the court may order costs of suit, including counsel fees to be paid by the state.

The purpose of the original bill, of course, was to provide that in those cases where a permanent injunction did issue against someone who was cheating the public, that the party might, and again, it might be assessed cost of suit which is not uncommon; but to include reasonable counsel fees in an effort to regain to the State of Maine some of the expense of the operation of the Attorney General's Department.

I appreciate Mr. Farrington's efforts that he would indicate that this is highly unusual, that it would be a one-sided affair. But I would say to you, ladies and gentlemen, the bill that I have proposed, the

original is, in effect, in some 30 states in the United States and even in Maine we have two statutes on the books that presently provide under the Unfair Sales Act that the court may award reasonable counsel fees against the party to whom the action is brought where the party is unsuccessful in bringing his action.

I really feel that I cannot support an amendment which is going to create possibly a greater expense to the taxpayers of the State of Maine. However, I do think that where a permanent injunction does lie against someone who is cheating the consumer, that he should bear the expense to the full degree to include whatever the costs may be, as they are determined by the court insofar as bringing that action.

I would also point out that there are many instances where a permanent injunction might not be granted to the state even though they might be determined to be unfair trade practices, and in that event you would have a situation of the state bearing the cost, possibly, even where it was right. So if there are technicalities that are involved, you may find that the court cannot issue a permanent injunction. So I do request that you not support the amendment as has been presented by Mr. Farrington.

The SPEAKER: The Chair recognizes the gentleman from China, Mr. Farrington.

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: In presenting this amendment I sort of hoped that in the long run we might defeat the bill altogether.

In the first place, there has been stricken from a previous law that sentence that provides for a hearing previous to an injunction either temporary or permanent. If I read this bill properly now, it could be a one way street. Those from the Attorney General's Department can initiate action on the excessive expense for the one who is charged and they asked that the attorney's fees be paid. They asked all cost of litigation be paid by the defendant. Very unusual procedure, very unusual laws we have on the statutes in my estimation.

The amendment only asked that in this procedure if a permanent injunction is not obtained that this charged person might be relieved of the cost of attorneys fees and so forth as the state would be if they succeeded in a permanent injunction.

I won't belabor this. It is late this morning. This amendment, I do hope that you go along with it and give the person who is being charged the same right as the state.

The SPEAKER: The pending question is the adoption of House Amendment "A". All in favor of adopting House Amendment "A" will vote yes; those opposed will vote no.

A vote of the House was taken. Mr. Farrington of China requested a roll call vote.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Dyar.

Mr. DYAR: Mr. Speaker, Ladies and Gentlemen of the House: I think the amendment Mr. Farrington has offered is a very important amendment. We are faced with a new precedent here, where a businessman in this state who is charged under this Unfair Trade Practices Act, if the state takes action against him and he is found guilty, he pays the legal fees as he normally would; but if he is found innocent, or not guilty, he still pays. Now, I would ask this House to cite any instance in the court system today where the defendant pays on both ends.

Now it seems to me that the amendment that Mr. Farrington offered is a fair amendment and I hope you will consider it in that manner.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: In answer to my good friend Mr. Dyar, I would only point out that we have two statutes on the books presently where this exact thing applies. The Unfair Sales Act Title 10, MRSA Section 1201, 1207 and under the Uniform Deceptive Trade Practices Act, Title 10, MRSA section 1211, 1216 enacted in 1969 and in both instances this provides the same thing. In addition to that, I would also point out that this is recommended by the Moral Acts of the Council of State Governments, the Federal Trade Commission and the Harvard Journal on Legislation.

The SPEAKER: The Chair recognizes the gentleman from China, Mr. Farrington.

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: I am in sympathy with the enforcement of the unfair practices. It sort of reminds me of the story of the young man taking the exam and he is going down through and does all the problems very rapidly and finally he hesitates on one. The teacher standing behind him said, "what is the matter young man, are you having trouble with this problem." "No," he says, "but I am having an awful time with the answer."

I think that this is not the answer. There are motions that can be made in court. I am not an attorney but certainly this is permissive. It is up to the judge, it is up to the courts. I do not see why he should not allow the defendant the right to collect as well as the state. So I therefore hope that you will go along with this amendment.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from China, Mr. Farrington, that House Amendment "A" be adopted. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Berry, G. W.; Berube, Bither, Carey, Chick, Crommett, Curran, Dam, Deshaies, Drigotas, Dudley, Dunn, Dyar, Evans, Farrington, Flynn, Fraser, Gauthier, Genest, Hunter,

Immonen, Kelleher, Kelley, R. P.; Lewis, E.; Lewis, J.; Littlefield, Maddox, Mahany, McCormick, McMahon, McTeague, Merrill, Mills, Norris, Palmer, Parks, Pontbriand, Pratt, Ricker, Rollins, Shaw, Shute, Silverman, Smith, S.; Tanguay, Theriault, Walker, Willard.

NAY — Baker, Berry, P. P.; Binnette, Birt, Boudreau, Bragdon, Brawn, Briggs, Brown, Bustin, Cameron, Carter, Chonko, Clark, Conley, Connolly, Cooney, Cote, Cottrell, Cressey, Davis, Donaghy, Dow, Dunleavy, Emery, D. F.; Farnham, Faucher, Ferris, Finemore, Garsoe, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Hancock, Haskell, Henley, Hobbins, Huber, Jackson, Jacques, Jalbert, Kelley, Keyte, Kilroy, Knight, LaCharite, LaPointe, Lynch, MacLeod, Martin, Maxwell, McHenry, McKernan, McNally, Morin, L.; Morin, V.; Morton, Mulhern, Murchison, Murray, Najarian, Perkins, Peterson, Rolde, Ross, Santoro, Simpson, L. E.; Smith, D. M.; Strout, Susi, Talbot, Tierney, Trask, Tyndale, Webber, Wheeler, White, Whitzell, Wood, M. E.

ABSENT — Ault, Bunker, Carrier, Churchill, Curtis, T. S., Jr.; Farley, Fecteau, Gahagan, Herrick, Hoffses, Kauffman, Lawry, LeBlanc, O'Brien, Sheltra, Soulas, Sproul, Stillings, Trumbull.

Yes, 49; No, 81; Absent, 19.

The SPEAKER: Forty-nine having voted in the affirmative and eighty-one in the negative, with nineteen being absent, the motion does not prevail.

Thereupon, the Bill was passed to be engrossed and sent to the Senate.

Second Reader Tabled and Assigned

Bill "An Act Relating to Licenses to Carry Weapons" (H. P. 936) (L. D. 1235) (C. "A" H-328)

Was reported by the Committee on Bills in the Second Reading and read the second time.

(On motion of Mrs. White of Guilford, tabled pending passage to be engrossed and tomorrow assigned.)

Bill "An Act Clarifying Certain Municipal Laws" (H. P. 1118) (L. D. 1454) (C. "A" H-329)

Was reported by the Committee on Bills in the Second Reading and read the second time.

Mr. Dam of Skowhegan offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-349) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" and House Amendment "A" and sent to the Senate.

**Second Reader
Tabled and Assigned**

Bill "An Act Increasing Minimum Wages" (H. P. 91) (L. D. 112)

Was reported by the Committee on Bills in the Second Reading and read the second time.

(On motion of Mr. Simpson of Standish, tabled pending passage to be engrossed and specially assigned for Friday, May 11.)

**Second Reader
Later Today Assigned**

Bill "An Act Preventing a Lien on Real Estate When Owner has Paid Contractor" (H. P. 828) (L. D. 1087)

Was reported by the Committee on Bills in the Second Reading and read the second time.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker, I move this matter be tabled until later in today's session.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker, I move this be tabled one legislative day.

Thereupon, Mr. Simpson of Standish requested a vote on the tabling motion.

The SPEAKER: The pending question is on the motion of the gentleman from Enfield, Mr. Dudley, that this matter be tabled one legislative day pending passage to be engrossed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

45 having voted in the affirmative and 70 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. Simpson of Standish, tabled pending passage to be engrossed and later today assigned.

The Chair laid before the House the following matter:

Bill "An Act Relating to Notification to Injured Employees of Rights under Workmen's Compensation Law," House Paper 1243, L. D. 1614, which was tabled earlier in the day and later today assigned.

Mr. McTeague offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-341) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" and sent to the Senate.

**Finally Passed
Constitutional Amendment**

Resolution Proposing an Amendment to the Constitution Clarifying the Status of Bills Presented to the Governor and Time the Legislature Adjourns (H. P. 1181) (L. D. 1524)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 116 voted in favor of same and 3 against, and accordingly the Resolution was finally passed, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act Relating to Number of Lobster Traps on Trawls in Saco Bay and Westerly, Cumberland County (H. P. 122) (L. D. 146) (C. "A" H-302)

An Act Relating to the Maine Automobile Insurance Cancellation Control Act (S. P. 258) (L. D. 755) (C. "A" S-99)

An Act to Redefine the Legal Standard of Time for Hauling of Lobster Traps (H. P. 375) (L. D. 504)

An Act Relating to Legislative Counsel or Agents. (S. P. 463) (L. D. 1494)

An Act to Authorize the Commissioner of Sea and Shore Fisheries to Exercise Additional Authority in the Management of Alewife Fisheries, Shad, Smelt and Eels (H. P. 850) (L. D. 1124) (C. "A" H-303)

An Act to Repeal the Compensation for the State Running Horse Racing Commission (H. P. 1464) (L. D. 1889)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

On motion of Mr. Birt of East Millinocket,

Recessed until four o'clock in the afternoon.

After Recess
4:00 P.M.

The House was called to order by the Speaker.

Orders of the Day

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker, I would inquire if the Clerk is in possession of item 8 on page 8, House Paper 1178, L. D. 1517?

The SPEAKER: The Chair would answer in the affirmative. The House is in possession of Bill "An Act to Create a Commission to Name Public Buildings, Bridges, Highways and Other Public Works," House Paper 1178, L. D. 1517, which was passed to be engrossed as amended by Committee Amendment "A" earlier in today's session.

Mr. DUDLEY: Mr. Speaker, I would like to move reconsideration on this document.

The SPEAKER: The gentleman from Enfield, Mr. Dudley, moves the House reconsider its action whereby the Bill was passed to be engrossed.

Mr. Birt of East Millinocket requested a vote on the motion.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: This morning we had some other jewels here before us that I wanted to say a few words on and I did not want to wear my welcome out. I do not feel quite so bad about it this afternoon. You are all so fresh and I am fresh. But this act to create a new commission, we have commissions now, so many that you cannot keep run of them and creating new commissions only creates more turmoil. Now if you will just be quiet, I will try not to talk all afternoon. I will try to give as short a message to you as I can.

I, for one, as a committee of one, do not want any more commissions, number one. Number two, I do not want to delegate the duties of this House, of this group here, any further to some commissioner or anybody else. We are going to keep delegating our duties until we don't have any; all we will have to do is tax the people and go home, raise the taxes to pay the commissions.

Now, it is as simple as that and I hope that you vote to reconsider and then you will be kind enough to vote to indefinitely postpone it. Then after we reconsider it I will not talk to you all afternoon, it will not be necessary.

The SPEAKER: The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, and Ladies and Gentlemen of the House: This is a bill that I put in. I put it in after thinking it over for two or three years, a method of naming public buildings, bridges and various other works that are funded from the state level. At times they have been named by acts of the legislature. I have always wanted due consideration that has been given in all cases to other people that might be eligible for consideration for naming projects after.

It also seems to me that there are other areas to be considered. A person still in public service, should a building or bridge or highway be named after him?

The committee reviewed this and they made some recommendations for changing the structure of the

commission that would do this. Frankly, I think it makes sense to have a group of people sit down and take into consideration the various people who might be eligible for consideration in this area. I think the bill does have merit and I hope you do not vote to reconsider.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Curtis.

Mr. CURTIS: Mr. Speaker, and Ladies and Gentlemen of the House: Very briefly, I agree with the gentleman from East Millinocket and I hope you do not vote to reconsider. This is an attempt to save the legislature some time. Already we have spent a good deal of time debating the naming of bridges and highways and so forth this session. It would seem to be an appropriate way in which we could pay more attention to the most important business before us and save ourselves some time.

The SPEAKER: The pending question is on the motion from the gentleman from Enfield, Mr. Dudley, that the House reconsider its action whereby L. D. 1517 was passed to be engrossed. All in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

48 having voted in the affirmative and 60 having voted in the negative, the motion did not prevail.

The Chair laid before the House the first item of Unfinished Business:

Joint Order (H. P. 1481) relative to State Trooper Gahagan.

Tabled — May 8, by Mr. Martin of Eagle Lake.

Pending — Motion by Mr. Briggs of Caribou to reconsider passage.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Briggs.

Mr. BRIGGS: Mr. Speaker, I merely requested that we reconsider passage so that we could send this order out to the trooper without having him have to appear here before us.

Thereupon, the House voted to reconsider.

Mr. Briggs of Caribou offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-342) was read by the Clerk and adopted.

The Joint Order as amended by House Amendment "A" was passed and sent up for concurrence.

The Chair laid before the House the second item of Unfinished Business:

Resolve Authorizing County Commissioner of Aroostook County to Extend Route 161 (H. P. 1129) (L. D. 1464)

Tabled — May 4, by Mr. Finemore of Bridgewater.

Pending — Passage to be engrossed.

Mr. Martin of Eagle Lake offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-323) was read by the Clerk and adopted.

Thereupon, the Resolve was passed to be engrossed as amended and sent to the Senate.

By unanimous consent, all matters acted upon in concurrence and all matters requiring Senate concurrence were ordered sent forthwith to the Senate.

Mr. Martin of Eagle Lake presented the following Joint Order and moved its passage:

WHEREAS, recent natural disasters across the United States have revealed the complete inadequacy of many state and local disaster contingency plans and federal disaster relief plans; and

WHEREAS, periodically Maine suffers from natural disasters which threaten public safety, disrupt economic activity and inflict extensive damage on private property; and

WHEREAS, spring flood conditions have again threatened several regions of the State of Maine; and

WHEREAS, losses from natural disasters can be minimized by advance planning in such areas as flood plain development and forest fire protection; and

WHEREAS, it is in the best interest of every Maine citizen that Maine's disaster contingency plans be well coordinated, that each

municipality be insured to the maximum extent possible and that in times of emergency all available resources be utilized effectively; now, therefore, be it

ORDERED, that the Senate concurring, that the Legislative Research Committee be authorized and instructed to review and evaluate Maine's disaster contingency plans for the purpose of proposing legislation to effectuate necessary changes suggested in the foregoing preamble; and be it further

ORDERED, that the State Bureau of Civil Defense be authorized and respectfully requested to provide such information, technical advice and such other needed assistance as the committee deems necessary to carry out the purposes of this Order; and be it further

ORDERED, that the Committee shall make a written report of its findings and recommendations, together with all necessary legislation and at its discretion submit the same to the next special or regular session of the Legislature; and be it further

ORDERED, upon passage in concurrence, that a copy of this Joint Order be transmitted forthwith to said Bureau of Civil Defense as notice of this directive. (H. P. 1496)

The Order was read.

The **SPEAKER**: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. **MARTIN**: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly. This particular order has to do with the possibility — and I realize that we are going to make decisions on orders and which orders we are going to be studying later on at the end of the session — but basically the order says that we will study the issue that we have not kept up with, solving the problem of handling our natural disasters.

Basically, as you may or may not know, the last plan that we had was done in 1961. It was geared primarily as a reaction to a threat of nuclear attack. There is nothing in it that really deals

with the problem of floods. As you know not long ago — and my area, parts of it, are still under water — we have had some serious problems as a result of the entire situation and I hope that what this would do would give an opportunity for everyone to take a look at the situation and come back to the next legislature with legislation that will become necessary for us to pass in order to make this a better and more workable approach to solving the problem.

The **SPEAKER**: The Chair recognizes the gentleman from Norway, Mr. Henley.

Mr. **HENLEY**: Mr. Speaker, and Ladies and Gentlemen of the House: Very briefly, I would like to completely agree, concur, with my friend from Eagle Lake, Mr. Martin. Having had quite a bit of experience with civil defense, I feel that we should even go perhaps beyond the thing and maybe even change the name. I do not think any longer it should be called Civil Defense. There is a rather connotation antagonistic to some groups of people. I do not think we should put the accent now on disaster programs and I think it should be an emergency disaster group rather than a civil defense group. I do not believe it need cost us any money, possibly with different arrangements and setups it could be less money. But I feel the time has come, as Mr. Martin has stated in his order, when it should be reexamined and possibly more planning made to put the accent on peace time disasters rather than war time.

Thereupon, the Joint Order received passage and was sent up for concurrence.

The Chair laid before the House the third item of Unfinished Business:

Bill "An Act to Annex Town of Brunswick to Sagadahoc County" (H. P. 1326) (L. D. 1738) (C "A" H-313) (H. "A" H-325)

Tabled — May 4, by Mr. Simpson of Standish.

Pending — Passage to be engrossed.

The **SPEAKER**: The Chair recognizes the gentleman from Standish, Mr. Simpson.

Mr. SIMPSON: Mr. Speaker, I move we reconsider our action whereby we adopted Committee Amendment "A".

The SPEAKER: The gentleman from Standish, Mr. Simpson, moves the House reconsider its action whereby Committee Amendment "A" was adopted.

The Chair recognizes the gentleman from Brunswick, Mr. LaCharite.

Mr. LaCHARITE: Mr. Speaker, and Ladies and Gentlemen of the House: It is not the pleasure of myself anyway. First of all, I would like to know the reason for the reconsideration.

The SPEAKER: The gentleman from Brunswick, Mr. LaCharite, poses a question through the Chair to anyone who may answer if he or she wishes.

The pending question is reconsideration of Committee Amendment "A".

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Simpson.

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen: I am kind of surprised at the gentleman, since he has talked to me about it all morning and yesterday. On your desk at the present time you have a House Amendment which I would like to offer to Committee Amendment "A". I think it is very simple. I think the argument is very simple. What is good for the goose is good for the gander. If we are going to give the town of Brunswick the option of going to referendum and to S a g a d a h o c County, then I believe that Cumberland County should also deserve that right to go to referendum to determine whether we wish to have Brunswick leave the county.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker, Ladies and Gentlemen of the House: I know the House will not be misled that the gentleman from Standish, the majority floor leader has made this into a partisan issue, certainly it is not.

We thought we might give you a little background. It is true that the other gentleman from Brun-

wick, Mr. LaCharite, and I are both members of the minority party. However, the member from Brunswick in the other body is a member of the majority party there. I would like to mention to the members of this House the bipartisan support in the Town of Brunswick, 9-0 before our council, to give our people an opportunity to make this choice.

The gentleman from Standish, Mr. Simpson, seeks to offer an amendment which says that all of the people of Cumberland County should have a right to say no, to block Brunswick's right to self-determination.

I tried to figure an analogy that would describe the gentleman's amendment. I know we have had talks about the history of Maine and when Maine was privileged to separate itself from Massachusetts. We did not have Massachusetts vote on that, we had Maine vote. When America, when the United States separated itself from England, unfortunately we did not operate by the ballots then, we operated by bullets. If we had, I do not think the vote of all the Englishmen in the world should have been sufficient to prevent us from having independence.

On county government and being mindful of the desire of the gentleman from Norway, Mr. Henley, and others to either reform or abolish it, it is a sad day when the relations between certain county officials in one of the towns which contains both Democrats and Republicans in significant numbers are such that they seek to keep us in a county against our will. That just doesn't seem like the right thing to do.

Mr. Speaker, may I inquire of the Chair what the motion is before the House?

The SPEAKER: The pending question is reconsideration of adoption of Committee Amendment "A".

Mr. McTEAGUE: Mr. Speaker and Members of the House: I would suggest in a sense a more candid way to vote on the matter. The real question is, should Brunswick have a right to make this choice or should the balance of the

existing county have the right to forbid it? If you accept the amendment which the gentleman seeks to offer — and by the way, that would be contrary to the unanimous report of the County Government Committee — but if you accept that amendment you are saying to one town that no matter what you people want, no matter what the people in the surrounding areas want, you must stay with us.

We have tried to be good citizens in Cumberland County. If it is the will of our people, we will try to be good citizens in Sagadahoc County. But a citizen involves a matter of choice, the slave does not. We have no desire to remain in any political unit contrary to our will. And, Mr. Speaker, I am confident that the members of this House would not choose to force a governmental unit, one of our towns, to remain in a county against its will.

If Massachusetts had voted on separation, I am certain that I would not be in the Massachusetts General Court today. I don't know about the gentleman in the far right-hand corner. Give us a chance to have our say on it. Cumberland County does not ask to leave Cumberland County, Brunswick does.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Mrs. Goodwin.

Mrs. GOODWIN: Mr. Speaker, Men and Women of the House: I oppose the motion for reconsideration. This amendment is obviously an attempt to kill the bill before it ever gets to referendum. In fact, you know as well as I do that a referendum would be a waste of time and money.

Personally I haven't made up my mind how I would vote when it comes to annexation of Brunswick to Sagadahoc County, but I believe that if the people of Brunswick wish to secede from Cumberland County and the people of Sagadahoc County are willing to give them aid and comfort, then I don't think that General Simpson and his Cumberland County Regulars should start a Civil War over it.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Simpson.

Mr. SIMPSON: Mr. Speaker and Members of the House: It seems kind of funny that the people of Sagadahoc County want the say as to whether Brunswick goes there or not. I wonder if all of a sudden Sagadahoc decides they don't and Brunswick votes and decides that they do, then maybe Cumberland County will just make a decision, well okay fellows, now where do you go?

The SPEAKER: The Chair recognizes the gentleman from Southport, Mr. Kelley.

Mr. KELLEY: Mr. Speaker and Members of the House: This problem arouses a possibility that Lincoln County would be very happy to have them. We all go up there shopping anyway.

The SPEAKER: The Chair recognizes the gentleman from Casco, Mr. Hancock.

Mr. HANCOCK: Mr. Speaker, Ladies and Gentlemen of the House: I knew that I was going to get confused this afternoon. I didn't realize I was also going to get amused, but I like it that way, too.

I have been very interested and waiting for both of the gentlemen from Brunswick to speak. I know them well, like them both. Mr. McTeague, a very fine and able gentleman, is a master weaver of words and I knew that he would have this well thought out and would present it to the House in such a way that it would seem like Cumberland County is a high-class villain and that poor little Brunswick is kind of an orphan in the storm seeking a little help from Sagadahoc County.

More seriously, I go along with this suggested amendment of Mr. Simpson. The gentleman from Brunswick, Mr. McTeague, has raised the specter of partisanship involved here — Democrat and Republican politics. This is one of the reasons I am speaking today. I think it is reasonably obvious to the people of this House that Mr. Simpson and myself are not of the same political party. Even if you have looked over the suggested

reapportionment plans, we might possibly be opponents here at some stage of the game.

I don't think that politics per se should enter into this thing at all. I also don't think that the unilateral decision on the part of Brunswick should take precedence in this thing. I think it is a county decision to be made. Brunswick is, however you slice it, backing away from its obligations to Cumberland County if it should vote to join with Sagadahoc. Now this is not only past obligations but also the future.

It may well be that it would be the best thing for all concerned, and I am speaking purely as a friend, for Brunswick to be joined with Sagadahoc. Geographically I can see some advantages to this. I am not objecting to that, but what I am objecting to is that I think all of us who are involved in this should have the opportunity to vote on this decision.

I hope very much that whenever we resolve this problem and come to a decision on it, that the decision process will involve the total population of not only Brunswick but all of Cumberland County and of course of Sagadahoc.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. LaCharite.

Mr. LaCHARITE: Mr. Speaker, Ladies and Gentlemen of the House: I am sentimental with the Cumberland County delegation, but I am also quite sentimental to the feelings of the people in Brunswick. It may be ironic, but on August 1, 1816, Brunswick was the site for the most important meeting for the Commonwealth of Massachusetts. That was the act of separation at that time of Maine from Massachusetts. On June 18, 1819, Governor Brooks signed that law and that title was "An Act of Separation." The bill was passed by the Massachusetts, or the General Court, as it is called, and they didn't see it fitting at that time to include Massachusetts in the referendum vote.

I would hope that this precedent takes place here and that you do let Brunswick vote on this. And also in reference to the referendum in Sagadahoc County, I think it

would be fair if we let a group such as Brunswick have the opportunity to come in and let them vote on this.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker and Members of the House: I have not taken a stand one way or another on this. I made a short speech last week in which I said I would wait until all of the ramifications had been discussed and at the enactment stage.

Now I do have a question, and that question has been raised and I would like it answered. What if Brunswick votes yes and the rest of Sagadahoc County votes no?

The SPEAKER: The gentleman from Bath, Mr. Ross, poses a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker and Members of the House: In response to the question of the gentleman from Bath, Mr. Ross, if Brunswick wants to join Sagadahoc but Sagadahoc rejects Brunswick, we would remain in Cumberland County. That is very clear in the bill. The bill would not take effect then.

The second point I would like to make, I meant not to raise the issue of partisanship involving the majority floor leader. I meant to speak in a jocular vein. I trust that he understood it in that way and I certainly meant no harm to a fellow member of the minority party, the gentleman from Casco, Mr. Hancock.

The SPEAKER: The Chair recognizes the gentleman from Oakland, Mr. Brawn.

Mr. BRAUN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask one question and I don't know who can answer it. Up in my county, let's take the Town of Belgrade which doesn't border on any county. The gentleman made the statement that if someone wanted to join another county they could. Are we going to have little islands set off that belong to other counties?

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I don't qualify as an expert in anything and I don't think I can respond to that question at all but I am going to try it anyway. A lot of people have indicated to me that Eagle Lake might perhaps be better off in Canada, and at times I suspect — you know, we have thought the same thing too.

I don't think you could very well take a town and just move it outside of a county and dump it anywhere you wanted to, as proposed by the gentleman from Oakland, but I would like to read, if you have your Constitution, on page 3 of the Register. In Article 1, Declaration of Rights, Section 2, it says, "All power is inherent in the people, all free governments are founded in their authority and instituted for their benefit; they have therefore an unalienable and indefeasible right to institute government, and to alter, reform, or totally change the same, when their safety and happiness require it." If the happiness of Brunswick is to leave Cumberland, as far as I am concerned, let it leave.

The SPEAKER: The Chair recognizes the gentleman from Casco, Mr. Hancock.

Mr. HANCOCK: Mr. Speaker and Members of the House: I am delighted that we can discuss this situation in the amicable way we are doing. I think it is just wonderful.

The gentleman from Eagle Lake, Mr. Martin, has mentioned the happiness of the people of Brunswick. And believe me, I am much concerned about their happiness. I am also concerned about the happiness of the rest of the people in Cumberland County.

One of the things that I neglected to mention when I was speaking before has been touched upon by the gentleman from Oakland, Mr. Brawn. A lot of the people in the House that I have casually discussed this with are thinking of it strictly in terms of a Brunswick, Cumberland County, Sagadahoc County problem. I don't think this

is quite the case. If we set a precedent here for a unilateral withdrawal from a county, this can happen to any of your counties and with any of your towns. Now I doubt if we would do it in the case that was mentioned here where you have the island pocket. You know, geographically it would be just a pocket. But in all of our counties there are many towns that border on other counties, and are you going to allow them to leave you on a unilateral decision? To me this is the point here.

I am not quite sure myself, if it should come to referendum and if I have the opportunity to vote, precisely how I would vote, but I do want the chance to vote on it. I think that all of us in all of the counties, the sixteen counties of the State of Maine, should think of this in terms of should it be a unilateral decision? I don't think it should. Also think of it in terms along the line if we set this precedent then it could affect every one of us.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker and Members of the House: If the entire electorate of Sagadahoc, although we are greatly outnumbered, but if they are going to be allowed to vote on this, I think it probably is fair to let the people of Cumberland vote.

I don't have any idea how they would vote. Maybe the people of Cumberland don't like Brunswick. Maybe the people of Sagadahoc don't want Brunswick, but I think that we should go ahead and let them, and I certainly think that we should go along with the gentleman from Standish, Mr. Simpson, this afternoon and then let it go to the other body and see how it comes back from there.

The SPEAKER: The Chair recognizes the gentlewoman from Freeport, Mrs. Clark.

Mrs. CLARK: Mr. Speaker, Men and Women of the House: I stand before you as a member of General Simpson's Cumberland County Regulars. In response to the towns that I represent, the towns of Freeport, North Yarmouth and

Pownal, I urge your support of the motion to reconsider Committee Amendment "A" in the interest of these towns. The people of Cumberland County have an inherent right to express their voice on the annexation of the Town of Brunswick to the County of Sagadahoc.

The SPEAKER: The Chair recognizes the gentleman from Oakland, Mr. Brawn.

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: It has been brought out here by many speakers the danger and the unhappiness here. I would like to know what the danger is and what is causing their unhappiness.

The SPEAKER: The Chair recognizes the gentleman from Camden, Mr. Hoffses.

Mr. HOFFSES: Mr. Speaker, Ladies and Gentlemen of the House: In view of the amicable situation here in the House this afternoon, I would like to call to your attention a similar matter that happened down in the coastal area some eight years ago. The people in the Town of Islesboro wished to be set apart from Waldo County and become a part of Knox County. I went through the necessary procedure to have a bill similar to this drawn up, but before that bill ever reached the stage of a public hearing, the people in Islesboro saw the light and they requested that I withdraw the bill because of the many complex problems which would be involved when they set a town apart with all of the records that are in the county seat to be shifted to another county.

Now, we in Knox County were more than happy with the idea and would have been very very receptive to Islesboro joining up with Knox County, but Islesboro decided they didn't want any part of it after they really got down to the nitty gritty part of becoming a part of another county.

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I don't know how I am going to vote on this issue, even

though I am sitting next to the gentleman from Brunswick. He is twisting my arm at the moment. But I just want you to know that in 1957 there was a similar occasion that occurred somewhere else in the state. West Paris separated from the Town of Paris, and the only area voting was that area that became the Town of West Paris.

The SPEAKER: The pending question is on the motion of the gentleman from Standish, Mr. Simpson, that the House reconsider its action whereby it adopted Committee Amendment "A". All in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

76 having voted in the affirmative and 53 having voted in the negative, the motion did prevail.

Mr. Simpson of Standish offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-331) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker and Members of the House: In recognizing that the votes were about 20 apart, I won't take but a minute more of your time. The question comes down to a very simple and fundamental one. Should a majority of Cumberland county be permitted to keep in Cumberland County 17,000 people against the will of that 17,000 people? I ask you to consider that simple proposition when you vote.

The SPEAKER: The pending question is the adoption of House Amendment "A" to Committee Amendment "A". All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. LaCharite of Brunswick requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Standish, Mr. Simpson, that House Amendment "A" to Committee Amendment "A" be adopted. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Baker, Berry, G. W.; Birt, Bither, Boudreau, Bragdon, Brawn, Briggs, Brown, Cameron, Carey, Carrier, Chick, Clark, Cooney, Cottrell, Cressey, Davis, Deshaies, Donaghy, Dunn, Evans, Farnham, Ferris, Finemore, Flynn, Gahagan, Garsoe, Good, Greenlaw, Hamblen, Hancock, Haskell, Henley, Hoffses, Huber, Hunter, Jackson, Kauffman, Kelleher, Kelley, Kilroy, Knight, LaPointe, Lewis, J.; Littlefield, MacLeod, Maddox, Mahany, McHenry, McKernan, Merrill, Morton, Mulhern, Murchison, Najarian, Parks, Perkins, Peterson, Pratt, Ross, Shaw, Shute, Silverman, Simpson, L. E.; Soulas, Stillings, Strout, Susi, Trask, Tyndale, Walker, Wheeler, White, The Speaker.

NAY — Berry, P. P.; Berube, Binnette, Bustin, Carter, Churchill, Conley, Connolly, Crommett, Curran, Curtis, T. S., Jr.; Dam, Dow, Drigotas, Dudley, Dunleavy, Dyar, Emery, D. F.; Farley, Farrington, Fecteau, Fraser, Gauthier, Goodwin, H.; Goodwin, K.; Herrick, Hobbins, Immonen, Jacques, Jalbert, Kelley, R. P.; Keyte, LaCharite, Lawry, Lewis, E.; Lynch, Martin, Maxwell, McCormick, McMahon, McNally, McTeague, Mills, Morin, L.; Morin, V.; Murray, Norris, Palmer, Ricker, Rolde, Rollins, Smith, D. M.; Smith, S.; Sproul, Talbot, Tangway, Theriault, Tierney, Webber, Wood, M. E.

ABSENT — Ault, Bunker, Chonko, Cote, Faucher, Genest, LeBlanc, O'Brien, Pontbriand, Santoro, Sheltra, Trumbull, Whitzell, Willard.

Yes, 76; No, 60; Absent, 14.

The SPEAKER: Seventy-six having voted in the affirmative and sixty in the negative, with fourteen being absent, the motion does prevail.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Simpson.

Mr. SIMPSON: Mr. Speaker and Members of the House: I would now move the indefinite postponement of this bill and all accompanying papers and I would speak to my motion.

The SPEAKER: The gentleman from Standish, Mr. Simpson moves the indefinite postponement of L. D. 1738 and all accompanying papers.

The gentleman may proceed.

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I think we have just one thing as we talk about a bill such as this that we have to seriously consider. Before me I have an opinion from the Attorney General's Office which pertains not only to this item but another item on today's calendar, that is the contractual agreement between bonding companies and a municipality or a county. And Cumberland County has some definite contractual agreements based on bonded indebtedness, and if this were to be allowed to the point where the valuation of the county were to be diminished, bonds would then be nullified and there would be a break of faith with the bonding companies.

I do believe we are unwise to allow this to happen. It is a definite constitutional question and I would urge that you support my motion.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I believe that we were very fair and honest with Mr. Simpson. I thought he was serious in this amendment. I now find out he was not serious. We were serious and I hope we vote against indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: I wholeheartedly join the suggestion in mild language, although a little louder than I usually have heard before of the gentleman from Bath, Mr. Ross. I think this is a manipulation that even I wouldn't think of on my worst days.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker and Members of the House: I would have to concur with that. I think this is a bit of a dirty trick. I also felt the amendment was sincere, although I voted against it.

I was a member of the County Government Committee that heard the bill. I think the gentleman who presented it was very sincere. I will repeat what others have said, I don't believe it is a partisan issue. I am just sort of surprised the way this is turning out. I hope you will vote against indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: This may be a low and a dirty trick, but I would have to support it. I would have moved indefinite postponement anyway if it had not been done by Mr. Simpson.

The reason I do this is because I represent the Town of Harpswell. The Town of Harpswell would be totally isolated from the rest of Cumberland County if Brunswick were to leave the county.

Harpswell could not go along with Brunswick in leaving the county because, as some of you may know, we have worked for many many years to get a bridge to tie in the town together. The town is now separated by the Town of Brunswick. It is almost, 30, 35, 40 miles from one side to the other driving through Brunswick. We worked and worked. In fact there were people spending their Sundays cutting roads in order to

bring this bridge in. The bridge has finally been gotten. The bids went out about a month ago. The bonded indebtedness for this bridge goes through Cumberland County, and the Town of Harpswell feels very strongly that they can do nothing that would endanger their loss of this bridge that they have waited so long for. Therefore, I feel that to isolate the Town of Harpswell out on this point by removing Brunswick where they would in no way touch on the rest of the county would eventually force them to probably follow Brunswick because the services that they rely on, such as sheriff and this sort of thing that they would be isolated from, would endanger this bridge which they worked so hard to get.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. Simpson.

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: There is one thing that you never have to worry about when I stand up here, no matter what I do, and that is to doubt my sincerity. Maybe it is unfortunate that I stand here as a majority floor leader and also maybe as General of the Cumberland County Delegation. I don't know when I got that title, but I do believe that the Cumberland County delegation feels pretty strongly about this particular bill.

I offered the amendment to allow us to have a referendum. I am sure that I probably took some good lessons from the gentleman from Lewiston in some of his manipulations around here, and I think some of us know how things should be done and shouldn't be done. And Cumberland County wants to definitely know that if this thing ever gets passed by this legislature, that we have the opportunity to have a referendum. And the only time you can get a chance to do that is to put an amendment on right at the stage the bill is in right now, so an amendment was put on.

The amendment was put on in all good sincerity and I had good intentions of moving the indefinite postponement either now or later at the enactment stage. In this

particular instance I don't see any reason to wait for the enactment stage. I think we can debate it right now and decide. So my sincerity was good, my intentions were good, and I think the bill is in a good position to be indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Connolly.

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: I am a member of the Cumberland County delegation, one of those members to whom Mr. Simpson refers. I have not been consulted by any representatives of the City of Portland about this matter, by any representatives of the Cumberland County Commissioners, nor have we as a Cumberland County delegation ever had a meeting to discuss this matter one way or the other.

I do feel very strongly about it and I would agree with the people from Brunswick. It should be allowed to go out to referendum.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: I am happy to have heard the gentleman from Standish, Mr. Simpson's, confession. I have never known or seen a dual session to lack in levity. And so I might refer myself to the fine young man from Cumberland, Mr. Jackson, and tell him not to moan and not to cry too much about bridges, because I worked for 20 years to get one and it got me nowhere.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker and Members of the House: Everyone enjoys this jolt of laughing gas we seem to have gotten this afternoon, but I do think, as someone outside this county, this area, a little bit of saner thought should go into this.

We are setting up a precedent here. And just to take it out of the context where it is, Bowdoin College and its professors and the great big City of Portland, we go up to Washington County and we will say that Aroostook County,

"The County," has a very good tax base. They are having a big potato year this year so I suspect everyone will have a Cadillac and a couple grand pianos and a few other things that they usually do when they have a good year, and so Danforth will secede from Washington County where we are all poor and join Aroostook County. If you set up a precedent like this, where is it going to stop?

You have many areas in the state where you have problems with schools, SAD districts, and if you don't like where you are, let's join something else. I think this is terrible and I think we should go along with this indefinite postponement, even though we are not from the area involved.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker and Members of the House: There has been so much discussed and it would probably be futile and take us even longer than we have taken already to respond to it all. I would like to mention just two items. Number one, the gentleman from Yarmouth, who also represents the Town of Harpswell, which the other gentleman from Brunswick and I, Mr. LaCharite, due to geographical proximity have had much contact with their people, not only with their selectmen, the gentleman from Yarmouth, Mr. Jackson, is doing an excellent job representing the district that is much more widely separated than Harpswell would be from Cumberland County if this bill passed.

I guess I am naive. I can't joke about bridges. I happen to believe in the right of free choice.

Talking about bad precedents, the gentleman from Washington County, Mr. Donaghy, the State of Maine is the precedent. We would still be part of Massachusetts if the type thinking you have would have prevailed here. I am amazed. I am amazed at the allusion to bond council. I suggest that the Attorney General is going to look at this thing, look at the opinion of the Massachusetts Attorney General in 1820 when Maine became a free state. I am sick and

tired of bond council from Boston trying to run the State of Maine.

I hope that my fellow members of this legislature will give our people in that town a chance to have its say. We are about 17,000 out of one million. If we lost a portion of our freedom of choice, all of you, including the people of Cumberland County, including the Town of Standish and every other town lose some of your freedom, too.

Don't be worried about this talk of the bogeyman or the precedent, the precedent is the existence of the State of Maine.

The gentleman from Brunswick, Mr. LaCharite and I checked out of the library for the first time a book on the birth of Maine and the history of Maine. As a fellow who didn't have the good fortune to be born here but had the good sense to come here, I suggest to you who are native born and those of you who had the good sense to come here to read the history of the state and you will understand the basis of freedom of choice, why Maine is a free state and why, for God's sake, we should have a right in our town to vote on this.

THE SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker and Ladies and Gentlemen of the House: I apologize for rising, but I would like to ask a question. Are there legal financial obligations existing in Cumberland County at the present time which would have to be paid off by the balance of the people in Cumberland County if the Town of Brunswick did move to Sagadahoc? If that is the case, if the answer to that question is yes, has there been any attempt to put a price on this or to indemnify Cumberland County in any way by either the Town of Brunswick and/or the County of Sagadahoc? I would just like to know the answers to those two questions.

The SPEAKER: The gentleman from Farmington, Mr. Morton, poses a question through the Chair to anyone who may answer if he or she wishes.

The Chair recognizes the gentleman from Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker, the answer is quite simple. There are almost none, with the exception of a road about 17 years old that is very very close to being paid off. There are no county assets of Cumberland County in Brunswick. So although we would not take any debts with us, if you please, we don't have any assets to take with us either. We thought that was a fair trade. The option would be for the balance of the Cumberland County quitclaim to us perhaps 10 percent of the court house and for us to charge them rent in order to pay off the bonds.

We are trying to follow the same precedent that was used when Maine separated from Massachusetts. We leave the assets there; we leave the debts there.

The SPEAKER: The Chair recognizes the gentlewoman from Freeport, Mrs. Clark.

Mrs. CLARK: Mr. Speaker, Members of the House: I would share with you this afternoon a letter I received from the Chairman of the Board of Selectmen in the Town of Pownal, Maine, a man of long and dedicated public service to his very small town.

"Dear Mrs. Clark: We are very much concerned over the possibilities of the Town of Brunswick being allowed to withdraw from the County of Cumberland. It seems to us that this will leave the remaining towns similar to Pownal with a sizable increase in obligations financially. I do not blame the Town of Brunswick for wanting to do this, I wish we could ourselves. I feel that we have got to fight this or else sponsor a bill to get out ourselves. I wonder if anyone would have us? Maybe we could go with Washington County. I think that this points to the need for restrictions on what a county can raise money for. When they get into a field that benefits only a certain segment of the whole it is establishing a bad precedent."

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. LaCharite.

Mr. LaCHARITE: Mr. Speaker, Ladies and Gentlemen of the House: This is my bill and I haven't said very much on it up to now, but I think some of these things ought to come out. First of all, I did distribute a financial statement of Cumberland County to everyone in the House and also everyone in the other body. If you notice the total budget for 1971, total expenditures were \$1,348,839.97. Now with Brunswick not being in the county, the expenditures would have been \$76,520 less. Brunswick only paid \$63,000 in county taxes. Therefore you can see a \$15,000 reduction in expenditures with Brunswick not in the county and showing that we use more services than we actually pay for.

Taking Brunswick out of Cumberland County and placing it in with Sagadahoc County is a proposal that has been talked about for some time. Brunswick is merely an appendage of Cumberland County and its natural orientation is toward Sagadahoc County. It also works the other way; The people in Sagadahoc County conduct many of their affairs in Brunswick.

There are many reasons why it is felt by the citizens of Brunswick and Representative McTeague and myself, that Brunswick should be part of Sagadahoc County. Just centering the court system, for instance, in the Bath-Brunswick area would be a great convenience. Cumberland County court is overcrowded now and Brunswick does provide a lot of those cases. Actually what is probably really needed is one Superior Court for the Bath-Brunswick area.

Brunswick as part of Sagadahoc County would also make a more efficient governmental unit and provide more resources for such needed services as county law enforcement.

Another argument for Brunswick joining Sagadahoc County is that it would make possible a lot of projects on a regional basis that are difficult now because of artificial boundary lines. For example, the Bath-Brunswick region may want to join together on a common solid waste disposal area. Brun-

wick truly has a great deal more in common with Sagadahoc County and a number of regional services and programs like regional planning are based on Brunswick and Sagadahoc communities, not Cumberland towns and Portland. Organizations and agencies now servicing Brunswick as well as Sagadahoc County municipalities are: Bath-Brunswick Regional Planning Commission, Southern Mid-Coast Health Council, Brunswick Area Chamber of Commerce, Bath-Brunswick Mental Health Association, Coastal Economic Developments, Inc., and a pending reciprocal agreement for police services.

Financially, Brunswick would be an asset to Sagadahoc County. As you may know, Sagadahoc is the third smallest county in population with 23,452, and the smallest county in land area comprising 257 square miles. It also has the third smallest state valuation at \$83,840,000. Increased services with Brunswick would be approximately \$30,000 per year and with Brunswick's large state valuation of \$50,750,000, county taxes in Sagadahoc municipalities would be decreased while Brunswick's county taxes would remain approximately the same.

Geographically, Brunswick is the easternmost municipality in Cumberland County and lies between two split segments of Sagadahoc County. There is no land route for people going from Bath to Topsham to go to that town unless they come through either Cumberland County or through into Lincoln County.

I think some of these are very good and valid reasons why Brunswick should belong to Sagadahoc County, and I definitely hope you do not indefinitely postpone this bill.

At the hearing of the County Government Committee there was very little opposition, actually the opposition was more or less in favor. The county commissioners, two of them did speak and they were not definitely opposed. They just gave their views. The County Government Committee took into consideration a referendum for

Cumberland County and they did not attach that to the bill.

I think that the Cumberland County delegation, I am sure, has valid reasons also, but let's give the people from Brunswick a chance.

The SPEAKER: The pending question is on the motion of the gentleman from Standish, Mr. Simpson, to indefinitely postpone Bill "An Act to Annex Town of Brunswick to Sagadahoc County," House Paper 1326, L. D. 1738, and all accompanying papers. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

40 having voted in the affirmative and 85 having voted in the negative, the motion did not prevail.

Thereupon, the Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto and House Amendment "A" and sent to the Senate.

The Chair laid before the House the fourth item of Unfinished Business:

Bill "An Act to Create Hospital Administrative District No. 4 in Piscataquis, Somerset and Penobscot Counties" (H. P. 515) (L. D. 681) (C. "A" H-222 as amended by H. "A" H-295)

Tabled — May 4, by Mr. Birt of East Millinocket.

Pending — Motion by Mr. Simpson of Standish for roll call on emergency enactment.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is passage to be enacted. This being an emergency measure, a two thirds vote of all the members elected to the House is necessary. All those in favor of its passage as an emergency

measure will vote yes; those opposed will vote no.

ROLL CALL

YEA — Baker, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bither, Boudreau, Bragdon, Brawn, Briggs, Brown, Bustin, Cameron, Carey, Carrier, Carter, Chick, Churchill, Clark, Conley, Connolly, Cooney, Cottrell, Cressey, Crommett, Curran, Curtis, T. S. Jr.; Dam, Davis, Deshaies, Dow, Drigotas, Dunleavy, Dyar, Emery, D. F.; Farley, Farnham, Farrington, Pecteau, Ferris, Finemore, Flynn, Fraser, Gahagan, Garsoe, Gauthier, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Hancock, Haskell, Henley, Herrick, Hobbins, Huber, Hunter, Immonen, Jackson, Jacques, Jalbert, Kauffman, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, Knight, LaCharite, LaPointe, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McCormick, McHenry, McKernan, McMahon, McNally, McTeague, Merrill, Mills, Morin, L.; Morin, V.; Morton, Mulkern, Murchison, Murray, Najarian, Norris, O'Brien, Palmer, Parks, Perkins, Peterson, Pontbriand, Pratt, Ricker, Rolde, Rollins, Ross, Shaw, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Smith, S.; Soulas, Sproul, Stillings, Strout, Susi, Talbot, Tanguay, Theriault, Tierney, Trask, Tyndale, Walker, Webber, Wheeler, White, Wood, M. E.; The Speaker.

NAY — Dudley, Dunn, Hoffses.

ABSENT — Albert, Ault, Bunker, Chonko, Cote, Donaghy, Evans, Faucher, Genest, Santoro, Sheltra, Trumbull, Whitzell, Willard.

Yes, 133; No, 3; Absent, 14.

The SPEAKER: One hundred thirty-three having voted in the affirmative and three in the negative, with fourteen being absent, the Bill is passed to be enacted as an emergency measure.

Signed by the Speaker and sent to the Senate.

The Chair laid before the House the fifth item of Unfinished Business:

Bill "An Act Relating to Membership on the Maine School

Building Authority" (S. P. 593) (L. D. 1874)

Tabled — May 7, by Mr. Simpson of Standish.

Pending — Further consideration.

The SPEAKER: The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, I move this lie on the table one legislative day, please.

The SPEAKER: The gentleman from East Millinocket, Mr. Birt, moves this lie on the table one legislative day, pending further reconsideration.

(Cries of No)

The Chair is undecided. The Chair will order a vote. All in favor of this matter being tabled one legislative day will vote yes; those opposed will vote no.

A vote of the House was taken.

66 having voted in the affirmative and 49 having voted in the negative, the motion did prevail.

The Chair laid before the House the sixth item of Unfinished Business:

Bill "An Act Relating to Compensation for Members of the Land Use Regulation Commission" (H. P. 626) (L. D. 824) (C. "A" H-322)

Tabled — May 7, by Mr. Kelleher of Bangor.

Pending — Passage to be engrossed.

Thereupon, the Bill was passed to be engrossed as amended and sent to the Senate.

The Chair laid before the House the seventh item of Unfinished Business:

Bill "An Act to Establish Within the Department of Indian Affairs a Bureau of Indian Police" (H. P. 1462) (L. D. 1887).

Tabled — May 7, by Mr. McTeague of Brunswick.

Pending — Motion by Mr. Martin of Eagle Lake to reconsider whereby the Bill failed enactment.

The SPEAKER: The pending question is on the motion of the gentleman from Eagle Lake, Mr. Martin, that the House reconsider its action whereby this Bill failed of passage to be enacted. All in

favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

80 having voted in the affirmative and 23 having voted in the negative, the motion did prevail.

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Mills.

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I think I should say a few words to you in regard to this bill here. As some of you previously know, we did enact police forces or constables on the Indian reservations. Under the wording of the law as drafted previously, if a constable on a reservation was to get himself in trouble, he was appointed by the Governor and Council of the reservation where he was serving. The Commissioner of Indian Affairs had by the authority of the bill to pay the policeman's salary. He had no other jurisdiction over that police officer on the reservation. This here, is a correction of the fault that was found in the previous law as drafted and passed which we are offering at present.

There is no more money involved in this thing. It is simply a restructuring of the Department of Indian Affairs, in this case here, the Department of Indian Affairs and the Bureau of Indian Police whereby under the home rule concept they will be doing their own police work instead of calling in the sheriff or State Police and other authorized departments.

I believe that this would be a very good step forward in the affairs of the Indian reservations. Also it would relieve the sheriffs department and the State Police Department of unnecessary runs to the reservation when they do have their own constable present. But this does place these constables under the authority of the Commissioner of Indian Affairs and that seems to be the place where it ought to be now.

The SPEAKER: The pending question is passage to be enacted. This being an emergency measure, a two-thirds vote of all the members elected to the House is necessary. All in favor of this matter being passed to be enacted as an

emergency measure will vote yes; those opposed will vote no.

A vote of the House was taken.

116 having voted in the affirmative and 6 having voted in the negative, the motion did prevail.

The Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the eighth item of Unfinished Business:

Bill "An Act Setting Off Part of Standish to Raymond, Cumberland County" (H. P. 720) (L. D. 926)

Tabled — May 7, by Mr. Carter of Winslow.

Pending — Motion by Mr. Emery of Rockland to accept the Majority "Ought not to pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Connolly.

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: I felt that it was necessary to bring this bill to your attention, to at least have some debate on it or at least call the issue to your attention before we vote.

The bill did not receive a great deal of support by the committee. I am not sure exactly what the reasons were, but I think that it should have a fair hearing here. I think that the issue is quite straightforward. Frye Island is an island that is located in the middle of Sebago Lake. The people who live on that island are mainly summer residents and they pay their taxes to the town of Standish. The town of Standish is located approximately 2 1/2 miles from the tip of Raymond's Neck, where there is a ferry, which is the only way that people who want to get from the mainland to the island can go. The Town of Raymond is located roughly 8.1 or 8.2 miles from the tip of Raymond's Neck. The people who live on the island said that their reasons for wanting to be able to pay their taxes to the Town of Raymond rather than to Standish were principally two. One was the geographical location; they felt that they were closer to the Town of Raymond than they were to Standish, almost 13 miles closer.

And the second was that they felt that they were not getting their fair share of services from the Town of Standish.

I would be in a position, if this bill reaches its time of a second reading, to offer an amendment to this bill that would allow the issue to be put out to referendum in the same way that the question of Brunswick, Sagadahoc and Cumberland County is going to hopefully be put out to referendum, to allow the people who live in Raymond and the people who live in Standish to vote on the matter. The people who live on Frye Island of course would not be able to vote because they do not reside there year round and are not registered voters in that area.

The main objections in the committee hearing to this bill came principally from the gentleman from Standish, Mr. Simpson, who said that the issue was a tax matter and that the people of the Island would be in the position to pay lower taxes if they had to pay their taxes to Raymond than to Standish. I am not in the position to call that into question. I do not know whether that is right or not, but I would like to read to you briefly from a letter that was sent to me after the hearing by one of the ladies who was at the hearing in response to the objections of Mr. Simpson.

She wrote, "As you can see, there were not really many fat cats among us. In fact, one thing that never came out is the fact that a great many owners on the island are retired people who have worked hard all their life and have invested some of their life's savings in land that they hoped to spend their summers in the happy peaceful surroundings of Frye Island and Sebago Lake. Many, as you heard, were born in Maine and bought a little bit of it to come back to." She ends by saying, "When Mr. Simpson said all we were interested in was taxes, he was right in the sense that we want equity. He was not right in saying that was why we appeared before you."

I would hope that you would allow this bill to go a little further

and defeat the motion "ought not to pass."

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Emery.

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen of the House: I will try to be brief but concise. The reason that we got I believe a 10 to 3 "ought not to pass" report, frankly I think the report should have been unanimous, basically for one reason. This bill has some very very severe problems with it in that it required the town to be essentially split into two pieces. And as you may realize, the Town of Raymond is in a school district which is entirely different from the Town of Standish and you come into some very severe and probably unresolvable problems when you divide a town which is in one school district and has particular outstanding indebtedness and try to incorporate a portion of that town with another school district which has an entirely different financial structure.

The committee received the letter from the Attorney General's Office addressing itself to this particular point. He says that this legislation would not, in fact, be a valid method of solving this particular problem of Frye Island because of the problem with the school administrative district boundaries. I do not have a copy of that letter before me, I have it upstairs in the Legal Affairs room, but at this time I would move the indefinite postponement of this bill and all its accompanying papers for the reasons that I have enumerated.

The SPEAKER: The Gentleman from Rockland, Mr. Emery, moves the indefinite postponement of L. D. 926 and all accompanying papers.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I am also on the Legal Affairs Committee and I support the motion for indefinite postponement.

To answer the gentleman from Portland, Mr. Connolly's question

on tax rates, it is, in fact, proved that the effective tax rate based on 100 percent evaluation in Raymond would be 14 mills and it's 23 mills in Standish. So the tax rate in Standish is almost twice really what it is in Raymond.

The people on the island complained that they were not getting any services from Standish. They were given a fire truck from the town. True the fire truck was outdated but it was a piece of first line equipment as far as the Town of Standish was concerned. They drove it out of the station and put it on the island completely equipped. We were shown pictures of the truck and it has been pretty well beat up and stripped down and we find that the people on the island themselves are the ones who stripped that truck down.

But most interestingly enough, we asked one of the selectmen from Raymond if Raymond itself wanted Frye Island a part of Raymond. And the selectman from Raymond said he certainly did not want Frye Island as a part of Raymond until they put in a sewage treatment system and took care of many of the problems they are having, particularly with leisure living, and they brought the roads up to standard. So, Raymond does not want them and Standish wants to keep them.

The SPEAKER: The Chair recognizes the gentleman from Oakland, Mr. Brawn.

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: I am on that committee, too, ladies and gentlemen, and I hope that you do go along with indefinite postponement. I heard them testify. They do not want anyone on that island but themselves. They want a private island there and even on the ferry unless you have got a permit from them or invited as a guest, they don't want you over there. And it looks to me that the reason they want to split away from Standish and go to Raymond, it is going to cost them less money and this is what they are interested in. I hope that you go along with indefinite postponement.

The SPEAKER: The pending question is on the motion of the

gentleman from Rockland, Mr. Emery, to indefinitely postpone L. D. 926 and all accompanying papers. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

102 having voted in the affirmative and 15 in the negative, the motion did prevail.

Sent up for concurrence.

The Chair laid before the House the ninth item of Unfinished Business:

Bill "An Act Increasing Compensation of Full-time Deputy Sheriffs in all Counties" (H. P. 415) (L. D. 564) (C. "A" H-309)

Tabled - May 7, by Mr. Simpson of Standish.

Pending - Acceptance of Committee's "Ought to pass" Report.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-309) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

The SPEAKER: The Chair will announce at this time the appointment of two House members to the Commission on Intergovernmental Relations under Title 3, Section 271 of the Maine Revised Statutes, the gentleman from Standish, Mr. Simpson and the gentleman from Eagle Lake, Mr. Martin.

The Chair would also announce the appointment of two additional members to the Commission on Interstate Cooperation under Title 3, Section 201 of the Maine Revised Statutes, the gentleman from Pittsfield, Mr. Susi and the gentleman from Enfield, Mr. Dudley.

The Chair laid before the House the first tabled and today assigned matter:

Bill "An Act Establishing the Lewiston - Auburn Airport Authority" (H. P. 473) (L. D. 620)

Tabled - May 7, by Mr. Simpson of Standish.

Pending - Acceptance of Committee Report "Ought to pass" as amended by Committee Amendment "A" (H-310)

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jacques.

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I certainly don't go along with the bill the way it is. I think it was written sloppy. If you look at page 5, section 2, where a five-member board is to be appointed but it only provides for only four members. But it says five members but only four members to be appointed by the city council of Lewiston-Auburn. I think an Amendment should be presented to clarify this and I haven't got it.

Another thing that is in this bill also, that the mayor is not included in making these appointments. Now, we have a fine mayor in Lewiston and Auburn has also. But neither mayor is included in making these appointments to this authority. I cannot see why this authority would do any good to either city. The city operates the airport at present. This bill was here in this House two years ago. It got defeated.

Now, the committee presented an amendment of the authority not having rights of eminent domain. Well, the only reason we didn't object to eminent domain is because the Canadian railroad just goes close to the airport; and for them to make improvements to the airport, they would have to reroute the railroad. To reroute the railroad, the Canadian National told us that it would cost \$450,000. Well, the committee put this amendment on; but really, the amendment wasn't needed, because neither city could take this land by eminent domain; because they cannot take a utility by eminent domain. There are — I don't see how this bill could ever be amended and be right.

Like I said, ladies and gentlemen of the House, our present mayor at this time was a member of this House two years ago. He is now presently mayor, and he has no legal right of making any of these appointments on this authority. I would move for indefinite postponement of this bill.

The SPEAKER: The gentleman from Lewiston, Mr. Jacques, moves the indefinite postponement

of L. D. 620 and all accompanying papers.

The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: First, I would like to read to you a letter that I received. I would like to state that I presented this bill at the request of several influential people at home and I told them that I would not get myself all battered and bloodied over this thing.

I would like to read to you a letter that I received addressed to me. "The Board of Mayor and Aldermen held a special meeting on Tuesday, May 8, 1973, at which time they discussed the pending legislation establishing a Lewiston-Auburn Airport Authority.

Mayor Orestis explained the need for an authority and gave a brief presentation as to the historical events surrounding the establishment of such an authority. After extensive discussion, the council endorsed the concept and extended its support of Legislative Document 620, being an act establishing the Lewiston- Auburn Airport Authority."

It also says, "The City Council went along with the bill on condition that it be amended to provide that all borrowing of funds first be submitted to the respective City Councils for their approval. They expressed concern that the authority could go out and borrow any amount of money at any interest costs and subsequently assess the respective committees as provided for in the L.D." This is taking care of an amendment that I will subsequently present to you.

Also I have a notification from the Assistant City Manager of Auburn saying that a majority of the city council are all in favor of the airport authority. They have voted and three of the five members were in favor.

I have a letter addressed to me which says, "This is to advise you and through you, the other members of the Maine House of Representatives, that the City of Auburn endorses the bill presently before the Legislature to create an

Airport Authority to own and operate our present airport.

"I personally have endorsed such a proposal each time it has been before the Legislature for I believe that a viable airport is a tremendous economic asset to an area. The potential of our present facility is far from being totally realized.

"I believe that with professional management and the authority of an independent organization such as the bill would create, that our entire area would be experiencing better air service, both passenger and freight, along with a general revitalization of the airport complex.

"I would urge the members of the Legislature to support this proposal."

Signed, John R. Linnell,
Mayor, City of Auburn.

Another letter addressed to me says, "It has been brought to my attention that there may be an omission in Legislative Document 620." It goes on, "Upon close scrutiny, you will find that there are no provisions for appointing the fifth member."

An amendment has been prepared that I will submit to have this fifth member, which is now on your desk.

I have another letter which reads "As chairman of the Lewiston-Auburn Airport Committee, I am of the opinion that your bill to create an airport authority would make the task of running the airport much easier." It is a lengthy letter. It ends by saying, "The Airport Committee applauds your efforts." and so on.

In another communication it also adds, "I am enclosing with this letter an abstract from the Wilbur Smith Report published in 1968 describing methods to establish the Lewiston- Auburn Airport Authority and noting the most significant advantages which would be obtained by this course of action." And this is a lengthy report which certainly I will not read but it says that their first recommendation is the establishment of the Auburn- Lewiston Airport Authority. This is signed by

the city controller, the chairman of the Lewiston Airport Authority.

So here we have a bill that has been endorsed by the mayor of the City of Auburn and a majority of the members of the city council in Auburn. It has been endorsed by the mayor and the city government of Lewiston. It has been endorsed by the Lewiston- Auburn Airport Authority. It has a full unanimous report of the Legal Affairs Committee.

Mr. Speaker, I hope that the motion to indefinitely postpone does not prevail so that we can give the bill its first reading and I may propose my amendment tomorrow.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jacques.

Mr. JACQUES: Mr. Speaker and Members of the House: I cannot see why the mayor would endorse — and I believe, Mr. Jalbert, that the mayor did endorse it — but I cannot see why, because the mayor's power would be taken away from him. He would have no vote at all.

Most bills that I can see are that the municipal officers will appoint or elect. So I cannot see where this would make sense at all. I just can't see where the bill is in any shape — there are three amendments that are going to be put on the bill; and if there is any way that you want to do justice to a bill, that you want to do away with a bill, all you have to do is keep putting on amendments and amendments and amendments.

A few years back, Mr. Speaker and Members of the House, we voted to give home rule to the municipalities in this state. Now we are back here making laws for these municipalities. There is no referendum clause on this thing. This bill could be very very expensive to Lewiston and Auburn. The airport is located in Auburn. It was given to the cities of Lewiston and Auburn after World War II by the federal government. It has been operating in good condition, and we had done a beautiful job with it. We appropriated a few dollars every year. But under this

bill here, all this would do is that municipal officers would receive the budget, would approve it with their stamp and give it back to them and this would have to go on and on and on. The municipal officers wouldn't have a thing to do.

I cannot see how the municipal officers can say, "I am in favor of this bill without even reading it. I don't believe they read it. Because if they had read it, they certainly wouldn't agree to what is in that bill.

As the former mayor of the City of Lewiston, I certainly knew what was going on in the city, and I know at present what is going on. I can see the controller wanted it, because he is going to be appointed for life. And I can see the city manager of Auburn, he is going to be appointed for life, as long as he is on his job. These guys are not going to be appointed by anybody else but themselves. The other three members, well — two members will have to be appointed by the city council. Then the third member by the four other members that is on the authority.

Like I said, home rule was adopted a few years ago, why don't you let these cities vote on these things, and let them decide if they want it or not, not that Augusta should decide. We voted for home rule and let us live with home rule.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, Members of the House: The only way that I can answer that is this: I concur that we have home rule, but this is a bill that involves Lewiston and Auburn so it does not come under that home rule situation that we had.

As far as these guys being appointed, I know nothing about it. I just gave you — and I must repeat myself — the mayor of Auburn and the majority of the council; the mayor of Lewiston and the council yesterday voted to endorse this thing. The Lewiston Airport Authority endorsed it and the vote of the Legal Affairs Committee was unanimous on this bill. That is about all I can say about the bill.

Mr. Jacques of Lewiston requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Jacques, to indefinitely postpone L. D. 620 and all accompanying papers. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

21 having voted in the affirmative and 62 having voted in the negative, the motion did not prevail.

Thereupon, the House accepted the Majority "Ought to pass" Report and the Bill was read once. Committee Amendment "A" was read by the clerk and adopted and the Bill assigned for second reading the next legislative day.

The Chair laid before the House the second tabled and today assigned matter:

Resolution Proposing an Amendment to the Constitution Limiting the Maximum Rate of the Sales Tax (H. P. 843) (L. D. 1117)

Tabled - May 7, by Mr. Simpson of Standish.

Pending - Acceptance of Either Report.

On motion of Mr. Hancock of Casco, tabled pending acceptance of either report and tomorrow assigned.

The Chair laid before the House the third tabled and today assigned matter:

Bill "An Act Relating to Interest on Awards in Workmen's Compensation Cases" (H. P. 1150) (L. D. 1481)

Tabled — May 8, by Mr. Brown of Augusta.

Pending — Acceptance of Either Report.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Brown.

Mr. BROWN: Mr. Speaker, I move acceptance of the Minority "Ought to pass" Report and would speak on this matter.

The SPEAKER: The gentleman from Augusta, Mr. Brown, moves the acceptance of the Minority "Ought to pass" Report.

The gentleman may proceed.

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the

House: I am a signer of the majority "ought not to pass" report. However, the gentleman from Brunswick, Mr. McTeague, has provided an amendment which has been distributed and which he will probably put on tomorrow, or try to. This meets one of the problems which I had and I suspect would meet the problems of other members on the committee.

What it does is provide interest payments on any awards of Workmen's Compensation Commission hearings on the same basis as our present court decisions. It brings it exactly in line and I think it is a very satisfactory bill.

Thereupon, the Minority "Ought to pass" Report was accepted, the Bill read once and assigned for second reading tomorrow.

The Chair laid before the House the fourth tabled and today assigned matter:

Bill "An Act Providing for Mandatory Sentences for Persons Convicted of Arson" (H. P. 590) (L. D. 781)

Tabled — May 8, by Mr. Martin of Eagle Lake.

Pending — Motion by Mrs. Baker of Orrington to accept the Minority "Ought to pass" Report.

The SPEAKER: The pending question is on the motion of the gentlewoman from Orrington, Mrs. Baker, to accept the Minority "Ought to pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

74 having voted in the affirmative and 22 having voted in the negative, the motion did prevail.

The Bill was read once and assigned for second reading tomorrow.

The Chair laid before the House the fifth tabled and today assigned matter:

Resolution Proposing an Amendment to the Constitution Providing for Early Inauguration of the Governor (H. P. 1001) (L. D. 1326) (H. "A" H-271) (S. "A" S-100)

Tabled — May 8, by Mr. Martin of Eagle Lake.

Pending — Passage to be enacted.

On motion of Mr. Martin of Eagle Lake, tabled pending passage to be enacted and tomorrow assigned.

The Chair laid before the House the sixth tabled and today assigned matter:

Bill "An Act to Revise the Maine Insurance Code as Related to Separate Accounts Established by Insurance Companies" (H. P. 870) (L. D. 1158) (C. "A" H-291)

Tabled — May 8, by Mr. Martin of Eagle Lake.

Pending — Passage to be enacted.

On motion of Mr. Trask of Milo, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A".

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted.

The same gentleman offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-354) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

The Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

The Chair laid before the House the seventh tabled and today assigned matter:

Joint Order of Mr. Crommett Relative to Be Kind to Animal Week (H-1487)

Tabled — May 8, by Mr. Simpson of Standish.

Pending — Passage.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Simpson.

Mr. SIMPSON: Mr. Speaker, I move the indefinite postponement of this order and would speak to my motion.

The SPEAKER: The gentleman from Standish, Mr. Simpson,

moves the indefinite postponement of this Joint Order.

The gentleman may proceed.

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: It is not that I am opposed to animals in any way, shape or manner, but I would like you to take a look at the order just exactly the way it is written, last part of it where we send a copy to the Governor and the Department of Agriculture. I believe when we pass orders through here that they should have merit. They are going to go to a certain group or something because of true recognition and I believe we should do it.

We were just going over the bills the other night and what it is costing us for orders that are going through here, and an order such as this costs us anywhere from \$30 to \$55 for just the printing of it and to have it handled. I really don't believe it is necessary at this time, and I would urge that you support me in the indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Millinocket, Mr. Crommett.

Mr. CROMMETT: Mr. Speaker, Ladies and Gentlemen of the House: I was somewhat surprised when Mr. Simpson told me this morning that he was opposed to this order, knowing that many orders have passed this House, even one honoring a fictitious character who only existed in the mind of the sponsor. Today you have passed two orders.

Mr. Simpson says his only reason is it costs \$50. I would remind you that if my arithmetic is correct, we spent over \$900 listening to the gentleman from Kennebunkport, Mr. Tyndale, the gentleman from Livermore Falls, Mr. Lynch, who so eloquently expressed their opinions for and against L. D. 955. Mr. Simpson says he is not against animals. If Mr. Simpson thinks the people throughout the State of Maine are not interested in animals, just let him introduce an unpopular dog bill.

In the event that some of you did not read the order, I would

like very much, Mr. Speaker, to read the order, I would like very much, Mr. Speaker, to read the order at this time.

"WHEREAS, it was the law of this land in 1641 that . . ." No man shall exercise any tyranny or cruelty toward any brute creature which are usually kept for man's use" . . .; and

WHEREAS, the prevention of cruelty to domestic animals and pets and provision for their protection have long been the concern of humanitarians; and

WHEREAS, kindness to every living creature is a vital part of humane activity that can make every community a better, healthier and happier place in which to live for both people and animals; and

WHEREAS, the week of May 6th through the 12th has been set aside and designated nationally as the 59th annual "Be Kind to Animals Week" in order to stimulate and revive humane thoughts and to encourage year-round kindness to all animal life; now, therefore, be it

ORDERED, the Senate concurring, that the Members of the 106th Legislature join together on this occasion in calling public attention to the need for continued improvement in treatment of all animals, domestic and wild, and in commending those in the animal protective movement who have faced the world of wild and domesticated animals in a responsible manner; and be it further

ORDERED, that a suitable copy of this Order be forwarded to the Governor and the Department of Agriculture in token of our support."

Ladies and gentlemen, that is the order. It has merit. I will let you decide.

I ask for a division.

The SPEAKER: The Chair recognizes the gentlewoman from Madison, Mrs. Berry.

Mrs. BERRY: Mr. Speaker, may I ask if Representative Crommett was the person who had the bill in for a bounty on dogs?

The SPEAKER: The gentlewoman from Madison, Mrs. Berry,

poses a question through the Chair to Mr. Crommett who may answer if he wishes.

The Chair recognizes that gentleman.

Mr. CROMMETT: Mr. Speaker, I will answer the lady. She knows full well that I had the bill in for the bounty on dogs. Furthermore, the bill was not for the goody-goody people or the good dogs. It was for the people who kick the dogs around and let the dogs roam at will. One reason for that was to protect the deer herd. Furthermore, the people who were so opposed to the bill took their animosity out on the sponsor rather than the bill.

I wasn't naive enough to think that the committee would turn it out and do anything about it. I think the people misunderstood the purpose of the bill and I hope it did do some good.

The SPEAKER: The pending question is on the motion of the gentleman from Standish, Mr. Simpson, that Joint Order 1487 be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

43 having voted in the affirmative and 53 having voted in the negative, the motion did not prevail.

Thereupon, the Joint Order received passage and was sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act Relating to Determination of Just and Reasonable Electrical and Telephone Utility Rates by Public Utilities Commission" (H. P. 1192) (L. D. 1532)

Which was tabled earlier in the day pending reconsideration.

Mr. Kelleher of Bangor requested a vote on the reconsideration motion.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Cote, that the House reconsider its action whereby this Bill was indefinitely postponed. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Carter of Winslow requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker and Ladies and Gentlemen of the House: I realize the hour is late and I will try not to keep you too long. But I would like merely to point out and recall to your memories what I pointed several days ago and that was discrepancies which I discovered while presenting the bill to the committee and I brought those to your attention. Today nobody has disputed my figures or quarreled with my facts.

It has been stated that passage of this bill will not change anything. The PUC already has this on the books. Well, I differ with this statement. But regardless, if this were really so, why do people still persist in opposing it? What is the purpose, if it is not going to accomplish anything, if it is not going to disrupt anything, why keep opposing it? I would like to really know what the real reason is why people are opposing it.

I would hope that you would vote for reconsideration and send this bill on its merry way.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Cote, that the House reconsider its action whereby it indefinitely postponed this Bill. All in favor of reconsideration will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berry, P. P.; Berube, Binnette, Boudreau, Bustin, Carrier, Carter, Clark, Connolly, Cooney, Crommett, Curtis, T. S.,

Jr.; Deshaies, Dow, Drigotas, Dunleavy, Dyar, Emery, D. F.; Farley, Fraser, Gahagan, Gauthier, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Hobbins, Jackson, Jalbert, LaCharite, LeBlanc, Mahany, Martin, McCormick, M c H e n r y , McKernan, McMahon, McTeague, Mills, Morin, L.; Morin, V.; Murray, Najarian, Norris, Perkins, Peterson, Pontbriand, R o l d e , Smith, D. M.; Smith, S.; Soulas, Susi, Theriault, Tierney, Webber, Wheeler.

NAY — Baker, Berry, G. W.; Birt, Bither, Bragdon, Brawn, Briggs, Brown, Cameron, Carey, Chick, Churchill, Conley, Cottrell, Cressey, Dam, Davis, Donaghy, Dudley, F a r n h a m , Farrington, Ferris, Finemore, Flynn, Garsoe, Hamblen, Haskell, H e r r i c k , Hoffses, Huber, Immonen, Kauffman, Kelleher, Kelley, Kilroy, Knight, Lawry, Lewis, E.; Lewis, J.; Lynch, Maddox, Maxwell, Merrill, Morton, Murchison, Pratt, Ricker, Rollins, Shaw, S h u t e , Simpson, L. E.; Sproul, Stillings, Strout, Trask, Tyndale, Walker, White, Wood, M. E., The Speaker.

ABSENT — Albert, Ault, Bunker, Chonko, Cote, Curran, D u n n , Faucher, Fecteau, Genest, Good, Henley, Hunter, Jacques, Kelley, R. P.; Keyte, LaPointe, Littlefield, MacLeod, McNally, M u l k e r n , O'Brien, Palmer, Parks, Ross, Santoro, Sheltra, Silverman, Talbot, Tanguay, Trumbull, Whitzell, Willard.

Yes, 56; No, 60; Absent, 34.

The SPEAKER: Fifty-six having voted in the affirmative and sixty in the negative, with thirty-four being absent, the motion to reconsider does not prevail.

The Chair laid before the House the following matter:

Bill "An Act Preventing a Lien on Real Estate when Owner has Paid Contractor" (H. P. 828) (L. D. 1087)

Which was tabled earlier in the day pending passage to be engrossed.

Mr. McTeague of Brunswick offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-158) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker and Ladies and Gentlemen of the House: The purpose of the amendment which has been discussed with the sponsor of the bill, the gentleman from Skowhegan, Mr. Dam, is to limit the application of the exemption for lien to single homes involving not more than five dwelling units. It is the thought behind the amendment that the idea that Mr. Dam has presented has merit. The problems have arisen mainly in the area of the home owner, not the large commercial structure.

Thereupon, House Amendment "A" was adopted.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Sproul.

Mr. SPROUL: Mr. Speaker and Ladies and Gentlemen of the House: I did not speak on this bill yesterday. I thought it had been talked to death. I do believe there is good merit here on both sides of this question. I appreciate the gentleman from Skowhegan, Mr. Dam's position. I know of many individuals who have been injured because they have had liens put on their homes after they had paid a contractor. By the same token, there are many suppliers of materials who have been injured the same way. There are many who have not taken advantage of their laws.

I think that both sides here have the opportunity to decide who they wish to do business with, that third party or that individual contractor. I think they are all grown people and should have some responsibility as to this selection and who they do business with.

Under the law currently, both parties have protection and can protect themselves. The individual, first of all, most of them go through banking institutions and I am sure that those institutions do not make payments on these places until they are satisfied there are no liens and things have been paid for. And I think one thing that points it out is when the committee says that only one of their members was aware that there

was such a lien or this could be possible. If that is the case, it cannot be that there has been too many people injured by this particular law. And as much sympathy as I have for those individuals, and I had friends who were injured by it, I feel in order to protect them, we are taking away the legal rights of the other party who would become injured much more frequently, and I do not think for that reason that this law would improve the situation over what it is today and certainly, regardless of ignorance of the law, there are more people who would understand it as it is as there would be if there were a change made at this time.

Therefore, I would like to move for indefinite postponement of the bill.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker and Ladies and Gentlemen of the House: A development has just taken place and I can't say that I did not expect it because I had every reason to believe that it would take place.

Personally, I will say that I do not have much hope for this bill in the other body with the report the way it was signed. But I would hope today that the House would maintain their same record and would vote against the motion for indefinite postponement so that it can go to the other body.

The gentleman from Augusta, Mr. Sproul, has said some of his friends have been hurt. But he doesn't think enough have been hurt to warrant a change. Personally, I am not in the same category as Mr. Sproul as far as status or maybe as far as finances and definitely not as far as thinking. Because I think when one person is hurt by any law, then it is time to start thinking about a remedy.

I would hope today that you do take the same action as we did the other day, that we vote to support this and I believe with the amendment, that this would take away a lot of the objections from the large lumber dealers because

it does take out, as Mr. McTeague has pointed out, all the speculative building, all the commercial building and things of that nature and brings it down to a single dwelling of not more than five apartments.

So I would definitely oppose the motion for indefinite postponement and would hope you would also.

The SPEAKER: The Chair recognizes the gentleman from Oakland, Mr. Brawn.

Mr. BRAWN: Mr. Speaker and Ladies and Gentlemen of the House: This had a good hearing in our committee. I think if my good friend from Augusta, Mr. Sproul and his wife had worked hard all their lives and we will say they saved \$30,000, and they went over here and they hired a contractor, they took their money out of the bank and they paid this contractor and this contractor had built 15 or 20 homes in the community, after they got him paid, the place was all ready and they moved into it, this man moved away. Then he finds himself, in a few days, with a lien put on his property and he has to pay the full amount of this to some person who supplied but he doesn't even know who this came from because these men, these contractors have their own trucks, many of them, they do this and they haul their lumber to different places. He has no proof what went into his home whatever.

He has either got to move out or he has to pay twice for that home. And if one person, as he says, has been hurt, that is one too many. I hope that you do not vote for indefinite postponement because it could be you.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Susi.

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House: I would like to speak for indefinite postponement. Our concern has been directed mainly to the individual who has been damaged in an instance where he has paid the contractor and the supplier comes back to him and this is a sad situation and it deserves our concern, certainly.

But there is an element to this that I do not think we have had our attention drawn to sufficiently. I have had experience in this and I would like to share it with you. Several times I have gone as representative of a general contractor attempting to get sub-contractors, building contractors to bid on a portion of a contract involving homes or buildings. In the course of this attempt, I have gone to many home builders hoping to get them to bid on these buildings. Now this is several times that I have done it. And it has just amazed me that large numbers of these people in the building contracting business don't have sufficient financial standing to get bonded. They are operating at the sufferance of the builders. Building material firms are carrying them day to day and week to week. This isn't a small percentage. I should say in all sincerity that I believe 75 percent of our builders operate on capital furnished by the building material firms inasmuch as they are carrying them until such time as they can collect on the jobs.

We are also concerned about furnishing housing for the people of the State of Maine. I sincerely believe that you will cripple, if not put out of business, a high percentage of the small building outfits in the State of Maine if you pass this legislation.

I am not a small builder myself nor am I associated with any. I am concerned about this. I believe that you would be damaging the home building effort in the State of Maine considerably.

Furthermore, those who can go out and buy it could involve, if they have several homes going at one time which is not an unusual thing — the need for 100,000 more capital and these people who are in this category do not work as cheaply as those who are building one, two or three at a time and using two or three relatives and an old pickup and what-not. I am going to say that there is going to be a difference of 10 or 15 percent or even more and the cost to Maine people of having a home built by this small fellow who is working with a building materials

outfit than the fellow who has the high financial standing that enables him to go out and buy and pay cash. I think you better think it over good. There certainly is two sides to it. I think the side I am portraying outweighs the other.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Farnham.

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: This is the last bill in the House that I ever expected to speak on. I rise to hope that you will not vote to indefinitely postpone, and I have been convinced by what I have heard here today or this last half hour. I think Mr. McTeague's amendment is one that we should all agree with. He is the little individual homeowner, not the big commercial builder.

You must remember that the average home builder is not familiar with lien laws or any of that business. The dealer in building supplies and lumber, being a businessman, should at least be familiar with these things. He should at least have enough brains to protect himself one way or the other. He has got the ability, as against the little homeowner who knows nothing about this business. I do not think that we should vote to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to add a few words from the standpoint of the owner. The owner, granted, needs protection. However, it is the owner who selects his general contractor. It is also the owner — as we have indicated, he is not aware of the lien laws, but the owner is definitely aware of the fact that he is going to pay the general contractor. He is not going to pay the general contractor until any of the work is done. It is the general contractor who goes to the supplier and gets his materials without any money. So he has to do it on credit, and the supplier, in order to be protected under the law, must put on his records that this is being done for a given job.

So I certainly am aware that the owner should be protected and in a sense may be led astray by his general contractor, but it is not the supplier who selected the general contractor, it is the owner who has done so. I dare say nine out of ten times he has asked for the general contractor to give him a price and fortunately, he is taking the low man and there are an awful lot of low men around just running marginally. I would dare say, if he took the man in the middle rather than the high man and the low man, he would come out without a loss. But unfortunately, when we are all looking for a bargain, we will take the cheapest that we can get, and I still say that the owner was the one who selected that person; and he has the means under the law as it exists today to protect himself. Grant you, he doesn't get himself a lawyer to find out about it necessarily, and there are a lot of unfortunate people because of that that get taken.

Again, how about the plumber? How about the carpenter? How about the supplier of cement? Is he the one who is going to be taking the loss for everybody else? We talk about the owner being a loser when, in fact, there is a half a dozen people out there who get taken every time this happens.

So consequently, if we are going to say that we are going to push it off on the businessman, they can all be assured that we are all going to pay for it.

The SPEAKER: The Chair recognizes the gentleman from Camden, Mr. Hoffses.

Mr. HOFFSES: Mr. Speaker, Ladies and Gentlemen of the House: The previous speakers involved have spoken from a particular position. I am going to speak from a different position. I am speaking as the contractor. That is my business.

Now, the gentleman from South Portland, Mr. Perkins; the gentleman from Pittsfield, Mr. Susi, have very very well covered this aspect thoroughly and completely. The law as it is today is certainly adequate to protect the homeowner.

Now, I have recently had a transaction, and the people employed the services of a lawyer as naturally every home buyer should be doing; and the lawyer which those people employed made doubly sure that I took care of all the encumbrances on that piece of property, that I had paid off all of the subcontractors before they put their name on any piece of paper to pay me for that property. So the law as it exists now is ample to cover any uncertainties or any inequities that may be existing. If anyone, if any builder — or rather if any homeowner does not employ the services of an attorney, they have no one to blame but themselves.

The matter has been very well covered, and I certainly hope that you will vote for the indefinite postponement of this bill.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker, and Ladies and Gentlemen of the House: I speak solely from the position in the back row. I have no other interest in this piece of legislation except I hate to see, we need so many homes in the area from which I come that will not be constructed if this bill passes.

Now, the sponsor says that he expects it will die in another branch. I suspect a slow death is no worse than an immediate death. It is going to die anyway. A lot more people will be hurt if we pass this legislation than was hurt the way it was presently.

The gentleman from Pittsfield covered this very adequately and covered some of the things I was going to say. The only thing in my area, I know it will be 85 percent of the buildings that were going to be constructed will not be constructed.

Now, having formerly delivered lumber to a site where a house is being built, under the old bill you unloaded it, the man signed for it and you unloaded the lumber and went about your business because you sent them a bill and they paid you. If they did not pay you you could put a claim in for your lumber. But if this bill passes,

you are not going to unload the lumber. You are going to take it back home with you. You are either going to get cash or you are going to take the lumber back home. The end result will be that the house will not be built; because like it has been said before, these small contractors do not have the money. If they cannot pay for the lumber from the people in the lumber business, they certainly are going to take it back home or back to their shop. It is not going to be delivered to the site knowing that they are not going to get their pay.

So if you think you are helping the poor man by passing this type of legislation, you are really hurting him because a lot of them are waiting for a home that will never be built if we vote for this legislation. So I do hope that you go along with indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Gauthier.

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: I have to disagree with Mr. Hoffses in the statement that he made and also the statement of Mr. Perkins. Probably nine out of ten people in my town and I think in every town in this state did not know that this existed. I built a home eight years ago, and my contractor—I had a good contractor — but I did not have to hire a lawyer, because I just had two agreements signed that I - with another person recently. If these people had to hire a lawyer when they built a home, it would cost them plenty. My agreements, there were two very small agreements, cost me \$1,000.

In coming back to Mr. Perkin's statement, when I did build my home, it was arranged with the contractors. There were two in business together. In every stage — there were five stages — that I had to pay so much on that home. You do not pay it at the end when the house is finished, you pay it in several payments. That was the agreement that was made. But I had five steps that I had to pay in. If they put in 10,000, I had to pay the 10,000 at the end of

that time. If it was 20,000, the next step was 10,000, and this is the way it was done. You do not pay for a home when the house is finished. You have to pay them in steps as they go along. And if the people cannot afford this — and I feel if the people who are selling this material do not know who they are doing business with as contractors, I do not think it is the small people in this state that should pay it for them.

The SPEAKER: The Chair recognizes the gentleman from Camden, Mr. Hoffses.

Mr. HOFFSES: Mr. Speaker, Ladies and Gentlemen of the House: Just two quick matters: One, as it has been pointed out, it is definitely going to cost the home-owner a lot more money when he has a house built if you are going to pass this piece of legislation.

We have heard time and time again we are interested in low-cost housing for the people in the State of Maine, the low income. Well now we have — in these bodies we have created circumstances that have substantially increased the cost of building a home from the electrical requirements to the plumbing codes to every other thing that goes on. We have automatically advanced the cost of a house for the low-income, the middle-income or the high-income people. So when you are talking about building houses for the low-income, keep this point well in mind. The only other thing I would say is hire a reputable contractor.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Soulas.

Mr. SOULAS: Mr. Speaker, Ladies and Gentlemen of the House: At this particular time I feel like a little sheep among a pack of wolves. I am the lonely, little, poor homeowner, and I have to build a home. I have to go to a contractor, and I now have to hire a lawyer, a bookkeeper, an accountant; and then I have to go to a banker, and then I have to make sure I pick a reputable contractor. All I can say is I am asking you, the legislature, to please help me to make it easier

for me so that I can go to bed at night and so that I do not have to hire all these other people. Please vote against the indefinite postponement.

The SPEAKER: The pending question is on the motion of the gentleman from Augusta, Mr. Sproul, to indefinitely postpone L. D. 1087, An Act Preventing a Lien on Real Estate When Owner Has Paid the Contractor.

The Chair recognizes the gentleman from Stockton Springs, Mr. Shute.

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: We debated this issue at quite a long length yesterday, and you heard the contractors' side of it today.

Yesterday the vote was quite close. I think it passed here by two votes, and I think most of the people here were interested in the constituents they represented or the people back home. They were not primarily sent here to represent the contractors or anyone else. So I would just ask the members of the House to stick by their vote of yesterday.

The SPEAKER: The pending question is on the motion of the gentleman from Augusta, Mr. Sproul, to indefinitely postpone L. D. 1087 and all accompanying papers. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Shute of Stockton Springs requested a roll call.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Augusta, Mr. Sproul, that L. D. 1087 and all accompanying papers be indefinitely postponed. All in favor of

that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Binnette, Bither, Bragdon, Briggs, Brown, Cameron, Chick, Cottrell, Davis, Donaghy, Dudley, Dyar, Farrington, Ferris, Flynn, Fraser, Gahagan, Garsoe, Greenlaw, Hamblen, Hancock, Haskell, Herrick, Hoffses, Huber, Immonen, Jackson, Jalbert, Kauffman, Kelleher, Kelley, Kilroy, Knight, LeBlanc, Lewis, E.; Lewis, J.; Maddox, Mahany, Maxwell, McCormick, Merrill, Murchison, Murray, Norris, Perkins, Pontbriand, Pratt, Ricker, Shaw, Simpson, L. E.; Smith, D. M.; Sproul, Stillings, Strout, Susi, Trask, Trumbull, Tyndale, Walker, Webber, Wheeler, White.

NAY — Baker, Berry, G. W.; Berry, P. P.; Berube, Birt, Boudreau, Brawn, Bustin, Carey, Carrier, Carter, Clark, Connolly, Cressey, Crommett, Curtis, T. S., Jr.; Dam, Deshaies, Dow, Drigotas, Dunleavy, Emery, D. F.; Farley, Farnham, Finemore, Gauthier, Goodwin, H.; Goodwin, K.; Hobbins, LaCharite, Lawry, Lynch,

Martin, McHenry, McKernan, McMahon, McTeague, Mills, Morin, L.; Morin, V.; Morton, Najarian, Peterson, Rolde, Rollins, Shute, Smith, S.; Soulas, Tanguay, Theriault, Tierney, Wood, M. E.

ABSENT — Ault, Baker, Bunker, Chonko, Churchill, Conley, Cooney, Cote, Curran, Dunn, Evans, Faucher, Fecteau, Genest, Good, Henley, Hunter, Jacques, Kelley, R. P.; Keyte, LaPointe, Littlefield, MacLeod, McNally, Mulhern, O'Brien, Palmer, Parks, Ross, Santoro, Sheltra, Silverman, Talbot, Trumbull, Whitzell, Willard.

Yes, 61; No, 52; Absent, 36.

The **SPEAKER**: Sixty-one having voted in the affirmative and fifty-two having voted in the negative, with thirty-six being absent, the motion does prevail.

Sent up for concurrence.

(Off Record Remarks)

On motion of Mr. Birt of East Millinocket,

Adjourned until eight-thirty tomorrow morning.